

FEATURED

Code violations lead to auction of man's property

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1 of 5



Paul Ball stands behind a fence on one of the East Stacie Road properties that have been fined for code violations in Harker Heights.

Nick Delgado

A Harker Heights resident claims what started out as city officials telling him a fence was too high led to his house being taken away.

Yet city officials said it's an unfortunate matter in which the resident has had years to comply with city codes.

Paul Ball owns an automotive garage in Harker Heights, where he applied for a permit, had the property surveyed and put up a 6-foot fence.

"(The city) decided I couldn't have a 6-foot fence," said Ball, an 85-year-old military veteran and resident of the city since 1958. "I had to cut it down."

Ball's daughter, Karen Ball, said when her father applied for the permit, nothing was written about the height for the fence.

City Manager David Mitchell said ordinances regarding fence limits are on the books requiring how high a fence in the front of a property should be.

Mitchell said the ordinances are in place for safety reasons, such as emergency responders needing to see house numbers as well as allowing a clear view for motorists.

"While I do feel for Mr. Ball and his situation, there are certain things that should have been taken care of along the way," Mitchell said.

Ball said he took care of the fence and initially hired two attorneys.

The second attorney, he later learned was a fill-in judge for the city.

Ball said the attorney took his money, waited a year to go to court as fines added up and then requested to be dismissed from the case.

"I couldn't find another attorney that quick and pay another," he said. "I lost the case because I couldn't do it by myself."



Ball said it got to the point that his property was about to be sold, so he filed for bankruptcy.

His daughter said there was a stipulation if her father received any more charges against him, the bankruptcy would be opted out of.

Ball said he paid every month, but was then fined for three cars, which he said are licensed and registered antique vehicles.

He said he was found guilty with a \$963 fine despite having the vehicles' registration.

"I said I'm not going to pay it because I'm not guilty," he said. "I got the proof right here, but they still found me guilty."

Mitchell said ordinances are in place following state guidelines of what defines a "junked" vehicle.

Mitchell said even though a vehicle may not appear wrecked or mangled, state law mandates what a junked vehicle is defined as.

Because of Ball's cited vehicles, the bankruptcy became null and void. Now the property is set for auction Sept. 2 in Bell County.

"This shouldn't be happening," his daughter said. "For years, if it's not one thing against him it's something else. You go up and down every street, you find vehicles sitting around, bad fences, weeds."

Mitchell said 95 percent of the cases in the city are dealt with voluntarily before someone is issued a citation. There's a due-process period to work with residents to take care of a situation before a citation is issued, and notices are sent out, he said.

According to data from the city's code enforcement department, from January to August, the city noted 86 vehicle violations and 24 fence violations.

Mitchell said this is the first case he's been aware of during his time with the city that it's gotten to a point in which fines and fees sent a property to auction.

Ball's personal house, he said, is protected by the Homestead Act. However, a home on Stacie Lane he is purchasing for two of his grandchildren to reside in is included in the auction.

"This time I can't file bankruptcy again because I can not appeal any more," he said. "So I have to either pay it or I lose it."

Ball said he paid more on the house after his grandkids' father was shot and killed than what's currently owed.

"I don't know how I've kept my sanity for the last three years and then worry about them taking the kids' house," Ball said. "I don't have the money to buy another one. If they take the house, I'll be losing money that I paid in."

Ball said if he has done something wrong, he'll pay. He said about five years ago he had a citation in which he knew the truck had something wrong with it and he paid the \$207 fine. Another time he paid a \$207 fine for a car.

"If I'm wrong, I go pay it," he said.

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