



# CERTIFICATION OF TAX DEED APPLICATION

Sections 197.502 and 197.542, Florida Statutes

DR-513  
Rule 12D-16.002 F.A.C  
Effective 07/19  
Page 1 of 2

0423-07

## Part 1: Tax Deed Application Information

Applicant Name Applicant Address	TLGFY, LLC CAPITAL ONE, N.A., AS COLLATER PO BOX 54347 NEW ORLEANS, LA 70154	Application date	Jul 14, 2022
Property description	LONG L JAMES TRUSTEE FOR LONG L JAMES TRUST 2809 NORTH R ST PENSACOLA, FL 32505 2830 N R ST 06-1808-000 S 50 FT OF LT 12 BLK E 1ST ADDN OF PINECREST PB 2 P 17 OR 6587 P 807	Certificate #	2020 / 3142
		Date certificate issued	06/01/2020

## Part 2: Certificates Owned by Applicant and Filed with Tax Deed Application

Column 1 Certificate Number	Column 2 Date of Certificate Sale	Column 3 Face Amount of Certificate	Column 4 Interest	Column 5: Total (Column 3 + Column 4)
# 2020/3142	06/01/2020	1,502.75	75.14	1,577.89
→Part 2: Total*				1,577.89


## Part 3: Other Certificates Redeemed by Applicant (Other than County)

Column 1 Certificate Number	Column 2 Date of Other Certificate Sale	Column 3 Face Amount of Other Certificate	Column 4 Tax Collector's Fee	Column 5 Interest	Total (Column 3 + Column 4 + Column 5)
# 2022/2667	06/01/2022	1,767.39	6.25	88.37	1,862.01
Part 3: Total*					1,862.01

## Part 4: Tax Collector Certified Amounts (Lines 1-7)

1. Cost of all certificates in applicant's possession and other certificates redeemed by applicant (*Total of Parts 2 + 3 above)	3,439.90
2. Delinquent taxes paid by the applicant	0.00
3. Current taxes paid by the applicant	0.00
4. Property information report fee	200.00
5. Tax deed application fee	175.00
6. Interest accrued by tax collector under s.197.542, F.S. (see Tax Collector Instructions, page 2)	0.00
7. Total Paid (Lines 1-6)	3,814.90

I certify the above information is true and the tax certificates, interest, property information report fee, and tax collector's fees have been paid, and that the property information statement is attached.

Sign here: 	Escambia, Florida
Signature, Tax Collector or Designee	Date July 27th, 2022

Send this certification to the Clerk of Court by 10 days after the date signed. See Instructions on Page 2

<b>Part 5: Clerk of Court Certified Amounts (Lines 8-14)</b>	
8. Processing tax deed fee	
9. Certified or registered mail charge	
10. Clerk of Court advertising, notice for newspaper, and electronic auction fees	
11. Recording fee for certificate of notice	
12. Sheriff's fees	
13. Interest (see Clerk of Court Instructions, page 2)	
14. <b>Total Paid (Lines 8-13)</b>	
15. Plus one-half of the assessed value of homestead property, if applicable under s. 197.502(6)(c), F.S.	
16. Statutory opening bid (total of Lines 7, 14, 15, and 16 if applicable)	
Sign here: _____ Date of sale <u>04/03/2023</u> Signature, Clerk of Court or Designee	

INSTRUCTIONS *+ 6.25*

**Tax Collector (complete Parts 1-4)**

**Part 2: Certificates Owned by Applicant and Filed with Tax Deed Application**

Enter the Face Amount of Certificate in Column 3 and the Interest in Column 4 for each certificate number. Add Columns 3 and 4 and enter the amount in Column 5.

**Part 3: Other Certificates Redeemed by Applicant (Other than County)**

**Total.** Add the amounts in Columns 3, 4 and 5

**Part 4: Tax Collector Certified Amounts (Lines 1-7)**

**Line 1,** enter the total of Part 2 plus the total of Part 3 above.

**Total Paid, Line 7:** Add the amounts of Lines 1-6

**Line 6, Interest accrued by tax collector.** Calculate the 1.5 percent interest accrued from the month after the date of application through the month this form is certified to the clerk. Enter the amount to be certified to the clerk on Line 6. The interest calculated by the tax collector stops before the interest calculated by the clerk begins. See Section 197.542, F.S., and Rule 12D-13.060(3), Florida Administrative Code.

The tax collector's interest for redemption at the time of the tax deed application is a cost of redemption, which encompasses various percentages of interest on certificates and omitted or delinquent taxes under Section 197.502, F.S. This interest is calculated before the tax collector calculates the interest in Section 197.542, F.S.

Attach certified statement of names and addresses of persons who must be notified before the sale of the property. Send this form and any required attachments to the Clerk of Court within 10 days after it is signed.

**Clerk of Court (complete Part 5)**

**Line 13: Interest** is calculated at the rate of 1.5 percent per month starting from the first day of the month after the month of certification of this form through the last day of the month in which the sale will be held. Multiply the calculated rate by the total of Line 7, minus Line 6, plus Lines 8 through 12. Enter the amount on Line 13.

**Line 14:** Enter the total of Lines 8-13. Complete Lines 15-18, if applicable.

# APPLICATION FOR TAX DEED

Section 197.502, Florida Statutes

512  
R. 12/16

Application Number: 2200497

To: Tax Collector of ESCAMBIA COUNTY, Florida

I,

TLGFY, LLC CAPITAL ONE, N.A., AS COLLATER  
PO BOX 54347  
NEW ORLEANS, LA 70154,

hold the listed tax certificate and hereby surrender the same to the Tax Collector and make tax deed application thereon:

Account Number	Certificate No.	Date	Legal Description
06-1808-000	2020/3142	06-01-2020	S 50 FT OF LT 12 BLK E 1ST ADDN OF PINECREST PB 2 P 17 OR 6587 P 807

I agree to:

- pay any current taxes, if due and
- redeem all outstanding tax certificates plus interest not in my possession, and
- pay all delinquent and omitted taxes, plus interest covering the property.
- pay all Tax Collector's fees, property information report costs, Clerk of the Court costs, charges and fees, and Sheriff's costs, if applicable.

Attached is the tax sale certificate on which this application is based and all other certificates of the same legal description which are in my possession.

Electronic signature on file  
TLGFY, LLC CAPITAL ONE, N.A., AS COLLATER  
PO BOX 54347  
NEW ORLEANS, LA 70154

07-14-2022  
Application Date

\_\_\_\_\_  
Applicant's signature



# Chris Jones Escambia County Property Appraiser

Real Estate Search

Tangible Property Search

Sale List

← Nav. Mode ☒ Account ☐ Parcel ID →

[Printer Friendly Version](#)

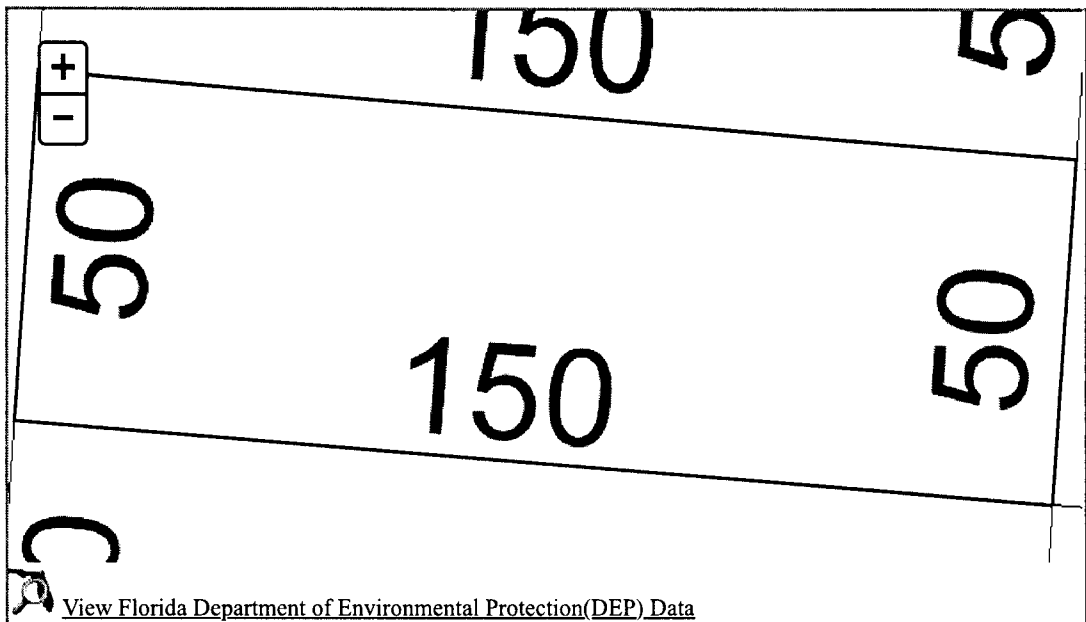
General Information	
<b>Parcel ID:</b>	172S301401121005
<b>Account:</b>	061808000
<b>Owners:</b>	LONG L JAMES TRUSTEE FOR LONG L JAMES TRUST
<b>Mail:</b>	2809 NORTH R ST PENSACOLA, FL 32505
<b>Situs:</b>	2830 N R ST 32505
<b>Use Code:</b>	SINGLE FAMILY RESID
<b>Taxing Authority:</b>	COUNTY MSTU
<b>Tax Inquiry:</b>	<a href="#">Open Tax Inquiry Window</a>
Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector	

Assessments				
Year	Land	Imprv	Total	Cap Val
2021	\$5,278	\$101,909	\$107,187	\$103,996
2020	\$5,278	\$89,264	\$94,542	\$94,542
2019	\$5,278	\$83,313	\$88,591	\$88,591
Disclaimer				
Market Value Breakdown Letter				
Tax Estimator				
File for New Homestead Exemption Online				

Sales Data					
Sale Date	Book	Page	Value	Type	Official Records (New Window)
09/12/2008	6587	807	\$100	QC	
03/2007	6232	657	\$100	WD	
03/2000	4541	1112	\$21,200	WD	
05/1991	3011	697	\$37,600	WD	
07/1989	2732	976	\$100	QC	
03/1986	2194	273	\$38,000	WD	
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller					

2021 Certified Roll Exemptions
None
Legal Description
S 50 FT OF LT 12 BLK E 1ST ADDN OF PINECREST PB 2 P 17 OR 6587 P 807
Extra Features
None

Parcel Information	Launch Interactive Map
<b>Section</b> <b>Map Id:</b> <u>17-25-30-1</u>	
<b>Approx. Acreage:</b> 0.1731	
<b>Zoned:</b> MDR	
<b>Evacuation &amp; Flood Information</b> <a href="#">Open Report</a>	



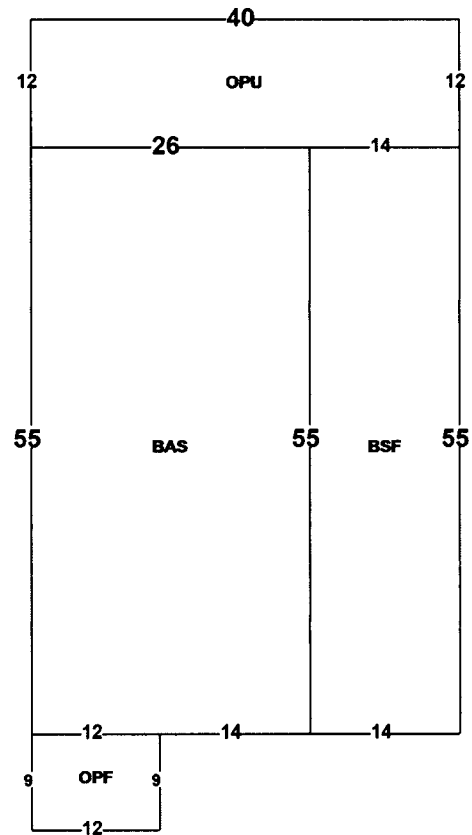
View Florida Department of Environmental Protection (DEP) Data

#### Buildings

Address: 2830 N R ST, Year Built: 1954, Effective Year: 1965, PA Building ID#: 79343

#### Structural Elements

DECOR/MILLWORK-AVERAGE  
 DWELLING UNITS-1  
 EXTERIOR WALL-STUCCO OV BLOCK  
 FLOOR COVER-ASPHALT TILE  
 FOUNDATION-SLAB ON GRADE  
 HEAT/AIR-CENTRAL H/AC  
 INTERIOR WALL-DRYWALL-PLASTER  
 NO. PLUMBING FIXTURES-6  
 NO. STORIES-1  
 ROOF COVER-ENAMEL METAL  
 ROOF FRAMING-GABLE  
 STORY HEIGHT-0  
 STRUCTURAL FRAME-MASONRY PIL/STL



Areas - 2788 Total SF

BASE AREA - 1430  
 BASE SEMI FIN - 770  
 OPEN PORCH FIN - 108  
 OPEN PORCH UNF - 480

#### Images



1/25/2016 12:00:00 AM

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

**PAM CHILDERS**  
CLERK OF THE CIRCUIT COURT  
ARCHIVES AND RECORDS  
CHILDSUPPORT  
CIRCUIT CIVIL  
CIRCUIT CRIMINAL  
COUNTY CIVIL  
COUNTY CRIMINAL  
DOMESTIC RELATIONS  
FAMILY LAW  
JURY ASSEMBLY  
JUVENILE  
MENTAL HEALTH  
MIS  
OPERATIONAL SERVICES  
PROBATE  
TRAFFIC



**COUNTY OF ESCAMBIA  
OFFICE OF THE  
CLERK OF THE CIRCUIT COURT**

**BRANCH OFFICES  
ARCHIVES AND RECORDS  
JUVENILE DIVISION  
CENTURY**

CLERK TO THE BOARD OF  
COUNTY COMMISSIONERS  
OFFICIAL RECORDS  
COUNTY TREASURY  
AUDITOR

**PAM CHILDERS, CLERK OF THE CIRCUIT COURT  
Tax Certificate Redeemed From Sale  
Account: 061808000 Certificate Number: 003142 of 2020**

**Payor: LARRY JAMES LONG 2809 NORTH R ST PENSACOLA, FL 32505      Date 8/5/2022**

Clerk's Check #                      5507456865  
Tax Collector Check #            1

Clerk's Total	<del>\$517.56</del> <b>\$4,021.21</b>
Tax Collector's Total	<del>\$4,326.16</del>
Postage	<del>\$60.00</del>
Researcher Copies	\$0.00
Recording	\$10.00
Prep Fee	\$7.00
Total Received	<del>\$4,930.72</del> <b>\$4,038.21</b>

**PAM CHILDERS  
Clerk of the Circuit Court**

Received By: N Boydon  
Deputy Clerk

**Escambia County Government Complex • 221 Palafox Place Ste 110 • PENSACOLA, FLORIDA 32502  
(850) 595-3793 • FAX (850) 595-4827 • <http://www.clerk.co.escambia.fl.us>**

**PAM CHILDERS**  
 CLERK OF THE CIRCUIT COURT  
 ARCHIVES AND RECORDS  
 CHILDSUPPORT  
 CIRCUIT CIVIL  
 CIRCUIT CRIMINAL  
 COUNTY CIVIL  
 COUNTY CRIMINAL  
 DOMESTIC RELATIONS  
 FAMILY LAW  
 JURY ASSEMBLY  
 JUVENILE  
 MENTAL HEALTH  
 MIS  
 OPERATIONAL SERVICES  
 PROBATE  
 TRAFFIC



**COUNTY OF ESCAMBIA  
 OFFICE OF THE  
 CLERK OF THE CIRCUIT COURT**

**BRANCH OFFICES  
 ARCHIVES AND RECORDS  
 JUVENILE DIVISION  
 CENTURY**

CLERK TO THE BOARD OF  
 COUNTY COMMISSIONERS  
 OFFICIAL RECORDS  
 COUNTY TREASURY  
 AUDITOR

**Case # 2020 TD 003142**

**Redeemed Date 8/5/2022**

**Name LARRY JAMES LONG 2809 NORTH R ST PENSACOLA, FL 32505**

Clerk's Total = TAXDEED	\$517.56	<del>\$4,836.16</del> <b>\$4,021.21</b>
Due Tax Collector = TAXDEED	\$4,836.16	
Postage = TD2	\$60.00	
ResearcherCopies = TD6	\$0.00	
Release TDA Notice (Recording) = RECORD2	\$10.00	
Release TDA Notice (Prep Fee) = TD4	\$7.00	

• For Office Use Only

Date	Docket	Desc	Amount Owed	Amount Due	Payee Name
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**FINANCIAL SUMMARY**

No Information Available - See Dockets



**PAM CHILDERS**  
**CLERK OF THE CIRCUIT COURT**  
**ESCAMBIA COUNTY, FLORIDA**

**Tax Deed - Redemption Calculator**

**Account: 061808000 Certificate Number: 003142 of 2020**

Redemption	<input type="text" value="No"/>	Application Date	<input type="text" value="7/14/2022"/>	Interest Rate	<input type="text" value="18%"/>
		Final Redemption Payment		Redemption Overpayment	
		ESTIMATED		ACTUAL	
		Auction Date	<input type="text" value="4/3/2023"/>	Redemption Date	<input type="text" value="8/5/2022"/>
Months	9			1	
Tax Collector	<input type="text" value="\$3,814.90"/>			<input type="text" value="\$3,814.90"/>	
Tax Collector Interest	\$515.01			\$57.22	
Tax Collector Fee	<input type="text" value="\$6.25"/>			<input type="text" value="\$6.25"/>	
Total Tax Collector	\$4,336.16			\$3,878.37	T.C.
Record TDA Notice	<input type="text" value="\$17.00"/>			<input type="text" value="\$17.00"/>	
Clerk Fee	<input type="text" value="\$119.00"/>			<input type="text" value="\$119.00"/>	
Sheriff Fee	<input type="text" value="\$120.00"/>			<input type="text" value="\$120.00"/>	-
Legal Advertisement	<input type="text" value="\$200.00"/>			<input type="text" value="\$200.00"/>	-
App. Fee Interest	\$61.56			\$6.84	
Total Clerk	\$517.56			\$462.84	C.H.
Release TDA Notice (Recording)	<input type="text" value="\$10.00"/>			<input type="text" value="\$10.00"/>	
Release TDA Notice (Prep Fee)	<input type="text" value="\$7.00"/>			<input type="text" value="\$7.00"/>	
Postage	<input type="text" value="\$60.00"/>			<input type="text" value="\$0.00"/>	
Researcher Copies	<input type="text" value="\$0.00"/>			<input type="text" value="\$0.00"/>	
Total Redemption Amount	\$4,930.72			\$4,358.21	-120-200
					\$4,038.21
		Repayment Overpayment Refund Amount		\$572.51	
Book/Page	<input type="text"/>			<input type="text"/>	

## RELEASE OF NOTICE OF APPLICATION FOR TAX DEED

Pursuant to § 197.502(5)(c), Florida Statutes, the Escambia County Clerk of Court fully releases the Notice of Tax Deed Application recorded at Official Records Book 8836, Page 803, of Escambia County, for the tax certificate, tax deed, and property described below:

Tax Certificate No. Certificate No. 03142, issued the 1st day of June, A.D., 2020

TAX ACCOUNT NUMBER: 061808000 (0423-07)

DESCRIPTION OF PROPERTY:

S 50 FT OF LT 12 BLK E 1ST ADDN OF PINECREST PB 2 P 17 OR 6587 P 807

SECTION 17, TOWNSHIP 2 S, RANGE 30 W

NAME IN WHICH ASSESSED: JAMES L LONG TRUSTEE

Dated this 5th day of August 2022.



PAM CHILDERS  
CLERK OF THE CIRCUIT COURT  
ESCAMBIA COUNTY, FLORIDA

By:  
Emily Hogg  
Deputy Clerk

## NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That **TLGFY LLC CAPITAL ONE NA AS COLLATER** holder of **Tax Certificate No. 03142**, issued the **1st day of June, A.D., 2020** has filed same in my office and has made application for a tax deed to be issued thereon. Said certificate embraces the following described property in the County of Escambia, State of Florida, to wit:

**S 50 FT OF LT 12 BLK E 1ST ADDN OF PINECREST PB 2 P 17 OR 6587 P 807**

**SECTION 17, TOWNSHIP 2 S, RANGE 30 W**

**TAX ACCOUNT NUMBER 061808000 (0423-07)**

The assessment of the said property under the said certificate issued was in the name of

**JAMES L LONG TRUSTEE**

Unless said certificate shall be redeemed according to law, the property described therein will be sold to the highest bidder at public auction at 9:00 A.M. on the **first** Monday in the month of April, which is the **3rd day of April 2023**.

Dated this 5th day of August 2022.

In accordance with the AMERICANS WITH DISABILITIES ACT, if you are a person with a disability who needs special accommodation in order to participate in this proceeding you are entitled to the provision of certain assistance. Please contact Emily Hogg not later than seven days prior to the proceeding at Escambia County Government Complex, 221 Palafox Place Ste 110, Pensacola FL 32502. Telephone: 850-595-3793.



PAM CHILDERS  
CLERK OF THE CIRCUIT COURT  
ESCAMBIA COUNTY, FLORIDA

By:  
Emily Hogg  
Deputy Clerk



**PROPERTY INFORMATION REPORT**  
3050 Concho Drive, Pensacola, Florida 32507 | Phone: 850-466-3077

THE ATTACHED REPORT IS ISSUED TO:

SCOTT LUNSFORD, ESCAMBIA COUNTY TAX COLLECTOR

TAX ACCOUNT #: 06-1808-000 CERTIFICATE #: 2020-3142

THIS REPORT IS NOT TITLE INSURANCE. THE LIABILITY FOR ERRORS OR OMISSIONS IN THIS REPORT IS LIMITED TO THE PERSON(S) EXPRESSLY IDENTIFIED BY NAME IN THE PROPERTY INFORMATION REPORT AS THE RECIPIENT(S) OF THE PROPERTY INFORMATION REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of record of the land described herein together with current and delinquent ad valorem tax information and a listing and copies of all open or unsatisfied leases, mortgages, judgments and encumbrances recorded in the Official Record Books of Escambia County, Florida that appear to encumber the title to said land as listed on page 2 herein. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately.

**This Report is subject to:** Current year taxes; taxes and assessments due now or in subsequent years; oil, gas, and mineral or any subsurface rights of any kind or nature; easements, restrictions and covenants of record; encroachments, overlaps, boundary line disputes, and any other matters that would be disclosed by an accurate survey and inspection of the premises.

This Report does not insure or guarantee the validity or sufficiency of any document attached, nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title, or as any other form of guarantee or warranty of title.

Use of the term "Report" herein refers to the Property Information Report and the documents attached hereto.

Period Searched: January 13, 2002 to and including January 13, 2022 Abstractor: Ashley McDonald

BY

Michael A. Campbell,  
As President  
Dated: January 29, 2023

**PROPERTY INFORMATION REPORT**  
**CONTINUATION PAGE**

January 29, 2023

Tax Account #: **06-1808-000**

1. The Grantee(s) of the last deed(s) of record is/are: **L. JAMES LONG AS TRUSTEE OF THE L. JAMES LONG REVOCABLE TRUST AGREEMENT DATED MARCH 22, 2005.**

**By Virtue of Quit Claim Deed recorded 5/4/2010 in OR 6587/807**

2. The land covered by this Report is: **See Attached Exhibit "A"**
3. The following unsatisfied mortgages, liens, and judgments affecting the land covered by this Report appear of record:
  - a. **Code Enforcement Lien in favor of Escambia County recorded 4/14/2008 OR 6313/1474 together with Amended Order recorded 10/21/2008 OR 6388/1286**

4. Taxes:

**Taxes for the year(s) None are delinquent.**

**Tax Account #: 06-1808-000**

**Assessed Value: \$114,395.00**

**Exemptions: NONE**

5. We find the following HOA names in our search (if a condominium, the condo docs book and page are included for your review): **NONE**

Payment of any special liens/assessments imposed by City, County, and/or State.

Note: Escambia County and/or local municipalities may impose special liens/assessments. These liens/assessments are not discovered in a title search or shown above. These special assessments typically create a lien on real property. The entity that governs subject property must be contacted to verify payment status.

**PERDIDO TITLE & ABSTRACT, INC.**  
**PROPERTY INFORMATION REPORT**  
3050 Concho Drive, Pensacola, Florida 32507 | Phone 850-466-3077

**Scott Lunsford**  
**Escambia County Tax Collector**  
P.O. Box 1312  
Pensacola, FL 32591

**CERTIFICATION: TITLE SEARCH FOR TDA**

**TAX DEED SALE DATE:** APR 3, 2023

**TAX ACCOUNT #:** 06-1808-000

**CERTIFICATE #:** 2020-3142

In compliance with Section 197.522, Florida Statutes, the following is a list of names and addresses of those persons, firms, and/or agencies having legal interest in or claim against the above-described property. The above-referenced tax sale certificate is being submitted as proper notification of tax deed sale.

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notify City of Pensacola, P.O. Box 12910, 32521
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Notify Escambia County, 190 Governmental Center, 32502
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Homestead for <u>2021</u> tax year.

**L. JAMES LONG AS TRUSTEE  
OF THE L. JAMES LONG REVOCABLE  
TRUST AGREEMENT DATED MARCH 22, 2005  
2830 N R ST  
PENSACOLA, FL 32505**

**ESCAMBIA COUNTY  
CODE ENFORCEMENT  
3363 W PARK PL  
PENSACOLA, FL 32505**

**L. JAMES LONG AS TRUSTEE  
OF THE L. JAMES LONG REVOCABLE  
TRUST AGREEMENT DATED MARCH 22, 2005.  
2809 N R ST  
PENSACOLA, FL 32505**

**Certified and delivered to Escambia County Tax Collector, this 29<sup>th</sup> day of January, 2022.**

**PERDIDO TITLE & ABSTRACT, INC.**



BY: Michael A. Campbell, As It's President

NOTE: The above listed addresses are based upon current information available, but addresses are not guaranteed to be true or correct.

**PROPERTY INFORMATION REPORT**

**January 29, 2023**

**Tax Account #:06-1808-000**

**LEGAL DESCRIPTION  
EXHIBIT "A"**

**S 50 FT OF LT 12 BLK E 1ST ADDN OF PINECREST PB 2 P 17 OR 6587 P 807**

**SECTION 17, TOWNSHIP 2 S, RANGE 30 W**

**TAX ACCOUNT NUMBER 06-1808-000(0423-07)**

This Instrument Prepared By:  
Jeffrey T. Sauer  
Smith, Sauer & DeMaria  
510 East Zaragoza Street  
Pensacola, Florida 32502

#### QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 12<sup>th</sup> day of September, 2008, by Christine Busby, a single woman, first party, to L. James Long, a single man, as Trustee of the L. James Long Revocable Trust Agreement dated March 22, 2005, whose post office address is 2809 North R Street, Pensacola, FL 32505, and whose tax identification number is (left blank), second party:

WITNESSETH, That said first party, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, convey, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party have in and to the following described lot, piece or parcel of land, situate and lying and being in the County of Escambia, State of Florida, to-wit:

The South 50 feet of Lot 12, and the North 50 feet of Lot 13, Block "E", First Addition of Pine Crest, in Section 17, Township 2 South, Range 30 West, Escambia County, Florida, according to subdivision thereof by Brainard & McIntyre, as per map of C. H. Overman, March, 1946, and recorded in the records of Escambia County, Florida, in Plat Book 2 at page 17. This property is not the homestead of the first party.

The above described property bearing Property Appraiser Parcel identification numbers 172S301401121005 and 172S301401130005.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever. **There is conferred upon and granted to the Second Party as Trustee by the trust the power and authority to protect, conserve, sell, lease, encumber and otherwise manage and dispose of the real property conveyed by this deed.**

IN WITNESS WHEREOF, The said first party has signed and sealed this instrument the day and year first above written.

WITNESSES:

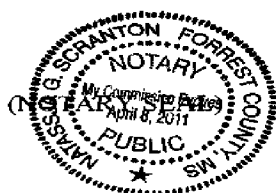
Francesca Ventura  
Printed name: Francesca Ventura

Christine Busby  
Christine Busby

Charlotte Aborn  
Printed name: Charlotte Aborn

STATE OF Mississippi  
COUNTY OF Lamar

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of September, 2008, by Christine Busby who ( ) is personally known to me or (✓) has produced USA as identification.



Natassya G. Scranton  
Printed name: Natassya G. Scranton  
NOTARY PUBLIC  
My Commission Expires: April 8, 2011

**THE OFFICE OF ENVIRONMENTAL CODE ENFORCEMENT  
SPECIAL MAGISTRATE  
IN AND FOR THE  
COUNTY OF ESCAMBIA, STATE OF FLORIDA**

**ESCAMBIA COUNTY, FLORIDA**

**v.**

**James L. Long, Life Estate of,  
James L. Long, Trust  
2809 North R Street  
Pensacola, FL 32505**

**CASE NO.: 07-11-0386**

**Location: 2800 Blk North R Street  
PR# 172S30-1401-050-008**

**ORDER**

Pursuant to Chapter 30, Article II, Section 30-34, Escambia County Code of Ordinances, this matter, after written notice to all parties, was heard on April 1, 2008, before Robert O. Beasley, Special Master, Office of Code Enforcement Special Master, in the Old County Courthouse, BCC Chambers, Third Floor, 223 South Palafox Place, Pensacola, Florida 32501 upon an alleged violation of the Ordinances of Escambia County, State of Florida.

**A. Appearances**

For Respondent:  
Jeffrey T. Sauer  
510 E. Zaragoza St.  
Pensacola, FL 32502

For Petitioner:  
Ryan Ross  
Escambia County Attorney's Office  
14 West Government St, Rm 411  
Pensacola, FL 32501

**B. Statement of the Case**

The matter came to hearing upon a Notice of Violation issued December 11, 2007. Prior to commencement of the hearing it was stipulated by the County and Respondent that the only issue being presented would relate to the use of the property for the raising of chickens.<sup>1</sup> All other issues

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<sup>1</sup> The Notice of Violation and evidence presented by Officer Ruston only related to the presence of chickens. The evidence presented in the Respondent's case related to the pre-existence of both chickens and rabbits. By consent, this Order shall apply to both chickens and rabbits.

presented in the Notice of Violation were deemed to have been resolved and were, therefore, dismissed by the County. As certified to the undersigned, the question is whether the Respondent could submit sufficient evidence that his use of the property for the raising of chickens and rabbits predated the implementation of the Land Development Code, ("LDC"), which would cause the use to be classified as a pre-existing nonconforming use.

**C. The Evidence.**

The County presented the testimony of Officer Glenda Ruston and a neighbor by the name of Grant. Mr. Grant resides at 2803 N. R. Street, and has done so for forty one (41) years. Mr. Grant acknowledged that Mr. Long had maintained chickens on the property for a period of time but that they were contained on another parcel and behind a privacy fence. Mr. Grant testified that Mr. Long has recently purchased the property immediately adjacent to his property and allowed the chickens to move from another property to the adjacent property thereafter. Other than this testimony by Mr. Grant, there was no evidence put into the record as to which parcel or parcels were acquired by Mr. Long, or the dates of acquisition.

The Respondent presented the testimony of several witnesses, all of which testified that Mr. Long has been raising chickens and rabbits on his property in excess of twenty (20) years. While there was some indication that this use was not continuous and uninterrupted, there was no evidence to suggest that the use had been abandoned or discontinued for a period even approaching the three hundred and sixty five (365) days required by Section 9.05.00, LDC. It is therefore conclusively established by the Respondent that James Long has used his property for the raising of chickens and rabbits for a period in excess of twenty (20) years.

The only remaining issue is whether the nonconforming use by Mr. Long has been

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improperly expanded in violation of Section, 9.02.00, LDC. Section 9.02.00(A) specifically limits the nonconforming use exception to "the specific land or structure that was actually and directly occupied by such use on the effective date of this code." The testimony of several of the witnesses indicated that Mr. Long expanded or modified the range of his "free ranging" chickens as he acquired additional property.

The Notice of Violation notes the location as the "2800 Block of R. Street" with a specific identification of the property address as 2813 North R. Street. From the testimony it is clear Mr. Long has acquired parcels along R. Street as they came available and has also sold one of his parcels to Mr. Stewart. While the specific dates of acquisition were not submitted into the record, it is clear that Mr. Long acquired some of the parcels since the enactment of the LDC. Any parcels acquired after the year 1989 would have been regulated pursuant to the then existing code. To that regard, Mr. Long could not have vested any right to raise chickens or rabbits on any parcel which was not owned by him prior to 1989, nor on any parcel that was acquired after this date.

At hearing there was discussion of a meeting in the office of Commissioner Young wherein Officer Steve Thagouras told Mr. Long that if he could prove that the chickens and rabbits had been on the property for twenty (20) years he would be released from the Notice of Violation. It is unclear whether that conversation identified a specific parcel owned by Mr. Long or whether the burden to prove prior use applied to the entire "2800 Block." Mr. Sauer, as counsel for Mr. Long, considered the conversation to include the "2800 Block" in general. It is likely that as of the date of the Notice of Violation and the date of the meeting in Commissioner Young's office the chickens did in fact roam over all of the parcels owned by Mr. Long.

**D. Decision**

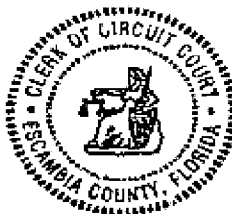
The Respondent has established the right to use his property to raise chickens and rabbits as a preexisting nonconforming use. Until this activity is abandoned, the Respondent is permitted to continue this use on the property identified as 2813 North R. St. and having a parcel ID 172S30-1401-050-008. This right does not extend to parcels acquired by the Respondent or James Long subsequent to 1989. Mr. Long is not permitted to expand the extent of the nonconforming use to an area outside of what existed prior to the enactment of the LDC. Regardless of what was said at the meeting in the office of Commissioner Young, Officer Thagouras is without authority to amend or alter the rights and restrictions of the LDC.

Mr. Long shall have twenty (20) days from the date of this Order to construct the necessary fencing or cages to limit the range of his chickens and rabbits to the parcel identified above. Failure to do so will result in a fine in the amount of \$100.00 per day, which shall commence on the twenty first (21) day from the date of this Order. This daily fine shall continue until this violation is abated and brought into compliance or until as otherwise provided by law. If the above corrective measures are not made during the time stated, the County may take measures to remove all chickens and rabbits from any property not owned by Mr. Long prior to 1989.

DONE and ORDERED at Escambia County, Florida on this 1st day of April, 2008.

Conformed copies to:  
Ryan Ross, Esq.  
Jeffery T. Sauer, Esq.

Certified to be a true copy  
the original on file in this office  
Witness my hand and official seal  
ERNIE LEE MAGAHA  
Clerk of the Circuit Court  
Escambia County, Florida  
By: [Signature] D.C.  
Date: 4-1-2008



[Signature]  
Robert O. Beasley, Special Master  
Office of Environmental Code Enforcement

Certified to be a true copy of the Original on file in this office	
ESCAMBIA COUNTY ENVIRONMENTAL ENFORCEMENT SPECIAL MAGISTRATE	
By: <u>233</u>	
Date: <u>4/1/08</u>	

THE OFFICE OF ENVIRONMENTAL CODE ENFORCEMENT  
SPECIAL MAGISTRATE  
IN AND FOR THE  
COUNTY OF ESCAMBIA, STATE OF FLORIDA

ESCAMBIA COUNTY, FLORIDA

v.

James L. Long, Life Estate of,  
James L. Long, Trust  
2809 North R Street  
Pensacola, FL 32505

CASE NO.: 07-11-0386  
Location: 2800 Blk North R Street  
PR# 172S30-1401-050-008

AMENDED ORDER

This matter came on for hearing on Respondent's Motion for Clarification of Order on July 22, 2008. After hearing from counsel for the County and counsel for the Respondent, both parties stipulating (and the Special Master finding) that it is the use of the property and not the ownership that controls, and finding that the motion should be granted, this Amended Order is substituted for the Order dated April 1, 2008.

Pursuant to Chapter 30, Article II, Section 30-34, Escambia County Code of Ordinances, this matter, after written notice to all parties, was heard on April 1, 2008, before Robert O. Beasley, Special Master, Office of Code Enforcement Special master, in the Old County Courthouse, BCC Chambers, Third Floor, 223 South Palafox Place, Pensacola, Florida 32501 upon an alleged violation of the Ordinances of Escambia County, State of Florida.

**A. Appearances**

For Respondent:  
Jeffrey T. Sauer  
510 East Zaragoza Street  
Pensacola, FL 32502

For Petitioner:  
Ryan Ross  
Escambia County Attorney's Office  
14 West Government St., Rm 411  
Pensacola, FL 32501

**B. Statement of the Case**

The matter came to hearing upon a Notice of Violation issued December 11, 2007. Prior to commencement of the hearing it was stipulated by the County and Respondent that the only issue being presented would relate to the use of the property for the raising of chickens<sup>1</sup>. All other issues presented in the Notice of Violation were deemed to have been resolved and were, therefore, dismissed by the County.

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<sup>1</sup>The Notice of Violation and evidence presented by Officer Ruston only related to the presence of chickens. The evidence presented in the Respondent's case related to the pre-existence of both chickens and rabbits. By consent, this Order shall apply to both chickens and rabbits.

As certified to the undersigned, the question is whether the Respondent could submit sufficient evidence that his use of the property for the raising of chickens and rabbits predated the implementation of the Land Development Code, ("LDC"), which would cause the use to be classified as a pre-existing nonconforming use.

### **C. The Evidence**

The County presented the testimony of Officer Glenda Ruston and a neighbor by the name of Grant. Mr. Grant resides at 2803 N. R Street, and has done so for forty-one (41) years. Mr. Grant acknowledged that Mr. Long had maintained chickens on the property for a period of time but that they were contained on another parcel and behind a privacy fence. Mr. Grant testified that Mr. long has recently purchased the property immediately adjacent to his property and allowed the chickens to move from the other property to the adjacent property thereafter. Other than this testimony by Mr. Grant, there was no evidence put into the record as to which parcels were acquired by Mr. Long, or the dates of acquisition.

The Respondent presented the testimony of several witnesses, all of which testified that Mr. Long has been raising chickens and rabbits on the property in excess of twenty (20) years. While there was some indication that this use was not continuous and uninterrupted, there was no evidence to suggest that the use had been abandoned or discontinued for a period even approaching the three hundred and sixty-five (365) days required by Section 9.05.0. LDC. It is therefore conclusively established by the Respondent that James Long has used the property for the raising of chickens and rabbits for a period in excess of twenty (20) years.

The only remaining issue is whether the nonconforming use by Mr. long has been improperly expanded in violation of Section, 9.02.00, LDC. Section 9.02.00(A) specifically limits the nonconforming use exception to "the specific land or structure that was actually and directly occupied by such use on the effective date of this code." The testimony of several of the witnesses indicated that Mr. Long expanded or modified the range of his "free ranging" chickens; i.e., onto the property adjacent to Mr. Grant when Mr. Long acquired that additional property.

The Notice of Violation notes the location as the "2800 Block of R. Street" with a specific identification of the property address as 2813 North R. Street. From the testimony it is clear Mr. Long has used the parcels identified subsequently in this Order for the raising of chickens and rabbits prior to the enactment of the LDC.

At hearing there was discussion of a meeting in the office of Commissioner Young wherein Officer Steve Thagouras told Mr. Long that if he could prove that the chickens and rabbits had been on the property for twenty (20) years he would be released from the Notice of Violation. It is unclear whether that conversation identified a specific parcel used by Mr. Long or whether the burden to prove prior use applied to the entire "2800 Block." Mr. Sauer, as counsel for Mr. Long, considered the conversation to include the

"2800 Block" in general. It is likely that as of the date of the Notice of Violation and the date of the meeting in Commissioner Young's office the chickens did in fact roam over all of the parcels owned or used by Mr. Long.

**D. Decision**

The Respondent has established the right to use the following described property to raise chickens and rabbits as a preexisting nonconforming use:

The North half of Lot 3, the South half of Lot 7, and all of Lots 4, 5, 6, 10 and 11, Block H, First Addition to Pinecrest, a subdivision of a portion of Section 17, Township 2 South, Range 30 West, Escambia County, Florida, according to plat recorded in Plat Book 2 at page 17 of the public records of said county.

Mr. Long, or any subsequent owner, is not permitted to expand the extent of the nonconforming use to an area outside of the above described area (the "Preexisting Nonconforming Property"), and specifically Respondent did not establish the right to use the South half of Lot 3, Block H of said subdivision for raising chickens or rabbits. It is noted that regardless of what was said at the meeting in the office of Commissioner Young, Officer Thagouras was and is without authority to amend or alter the rights and restrictions of the LDC.

At the hearing on the Motion for Clarification of Order it was reported by the County that Mr. Long had taken measures to comply with the prior Order of April 1, 2008, such that no fine was imposed. The Motion for Clarification of Order also asked the Special Master to award Respondent costs and fees as the prevailing party. No ruling is made on that issue, but should Respondent wish to have a hearing on this issue, this Amended Order reserves jurisdiction to consider the same.

DONE and ORDERED at Escambia County, Florida on this 22<sup>nd</sup> day of July, 2008.

  
Robert O. Beasley, Special Master  
Office of Environmental Code Enforcement

Conformed copies to:  
Ryan Ross, Esq.  
Jeffrey T. Sauer, Esq.