



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

0525-73

Part 1: Tax Deed Application Information

Applicant Name Applicant Address	AR 401K PLAN & TRUST 139 FOSTER ST LITTLETON, MA 01460	Application date	Aug 03, 2024
Property description	MITCHELL COMPANY INC ALABAMA CORPORATION 6706 PLANTATION RD STE B PENSACOLA, FL 32504 DOG TRACK RD 09-5070-506 LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49	Certificate #	2022 / 4628
		Date certificate issued	06/01/2022

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)
# 2022/4628	06/01/2022	750.93	37.55	788.48
→Part 2: Total*				788.48

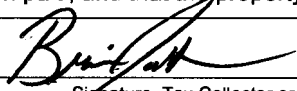
Part 3: Other Certificates Redeemed by Applicant (Other than County)

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)
# 2024/4853	06/01/2024	158.09	6.25	7.90	172.24
# 2023/4751	06/01/2023	733.05	6.25	164.94	904.24
# 2021/4273	06/01/2021	845.42	6.25	393.12	1,244.79
# 2020/5411	06/01/2020	1,053.40	6.25	395.03	1,454.68
# 2019/5069	06/01/2019	788.75	6.25	733.54	1,528.54
# 2018/5274	06/01/2018	793.23	6.25	892.38	1,691.86
Part 3: Total*					6,996.35

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)	7,784.83
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)	8,159.83

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 August 12th, 2024

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

Part 5: Clerk of Court Certified Amounts (Lines 8-14)	
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. Total Paid (Lines 8-13)	
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>05/07/2025</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: 2400924

To: Tax Collector of ESCAMBIA COUNTY, Florida

I,

AR 401K PLAN & TRUST
139 FOSTER ST
LITTLETON, MA 01460,

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
09-5070-506	2022/4628	06-01-2022	LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

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
AR 401K PLAN & TRUST
139 FOSTER ST
LITTLETON, MA 01460

08-03-2024
Application Date

Applicant's signature



Chris Jones Escambia County Property Appraiser

Real Estate Search

Tangible Property Search

Sale List

[Back](#)

← Nav. Mode ☒ Account ☐ Parcel ID →

[Printer Friendly Version](#)

General Information


Parcel ID: 332S312600040010

Account: 095070506

Owners: MITCHELL COMPANY INC
ALABAMA CORPORATION

Mail: 6706 PLANTATION RD STE B
PENSACOLA, FL 32504

Situs: DOG TRACK RD 32506

Use Code: VACANT RESIDENTIAL 

Taxing Authority: COUNTY MSTU

Tax Inquiry: [Open Tax Inquiry Window](#)

Tax Inquiry link courtesy of Scott Lunsford
Escambia County Tax Collector

Assessments

Year	Land	Imprv	Total	Cap Val
2024	\$7,320	\$0	\$7,320	\$7,320
2023	\$7,320	\$0	\$7,320	\$7,320
2022	\$46,360	\$0	\$46,360	\$46,360

Disclaimer

Tax Estimator

File for Exemption(s) Online

[Report Storm Damage](#)

Sales Data Type List:						2024 Certified Roll Exemptions	
Sale Date Book Page Value Type						None	
Official Records (New Window)							
None						Legal Description	
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller						LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49	
						Extra Features	
						None	

Section
Map Id:
33-2S-31-4

Approx. Acreage:
2.4363

Zoned:
HDMU

Evacuation & Flood Information
[Open Report](#)

[View Florida Department of Environmental Protection\(DEP\) Data](#)

Buildings

Images

None

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.

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That **AR 401K PLAN & TRUST** holder of **Tax Certificate No. 04628**, issued the **1st** day of **June, A.D., 2022** 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:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 095070506 (0525-73)

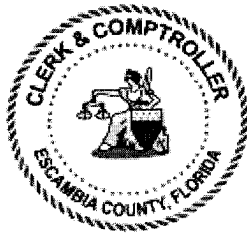
The assessment of the said property under the said certificate issued was in the name of

MITCHELL COMPANY INC ALABAMA CORPORATION

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** Wednesday in the month of May, which is the **7th day of May 2025**.

Dated this 12th day of August 2024.

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 #: 09-5070-506 CERTIFICATE #: 2022-4628

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 15, 2005 to and including January 15, 2025 Abstractor: Vicki Campbell

BY

Michael A. Campbell,
As President
Dated: January 16, 2025

PROPERTY INFORMATION REPORT
CONTINUATION PAGE

January 16, 2025

Tax Account #: **09-5070-506**

1. The Grantee(s) of the last deed(s) of record is/are: **THE MITCHELL COMPANY INC**

By Virtue of Warranty Deed recorded 12/22/2000 in OR 4641/1594

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. Judgment in favor of Deep South Crane Rentals, Inc. recorded 03/31/2009 – OR 6442/1747

b. Judgment in favor of Bank of America, N.A., recorded 4/13/2013 – OR 6996/1625

c. Judgment in favor of Cook Construction Co., Inc. of South Florida recorded 6/10/2013 – OR 7028/1329

d. Judgments in favor of SE Property Holdings, LLC recorded 11/25/2019 – OR 8204/1660 and recorded 11/26/2019 – OR 8206/1355 and recorded 3/9/2020 – OR 8259/1943

4. Taxes:

Taxes for the year(s) 2017-2023 are delinquent.

Tax Account #: 09-5070-506

Assessed Value: \$7,320.00

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: MAY 7, 2025

TAX ACCOUNT #: 09-5070-506

CERTIFICATE #: 2022-4628

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Notify Escambia County, 190 Governmental Center, 32502
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Homestead for <u>2024</u> tax year.

MITCHELL COMPANY INC
ALABAMA CORPORATION
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

MITCHELL COMPANY INC
ALABAMA CORPORATION
3298 SUMMIT BLVD ST 18
PENSACOLA, FL 32503

DEEP SOUTH CRANE RENTALS INC
6949 MOBILE HWY
PENSACOLA, FL 32526

MITCHELL COMPANY
41 W, 1-65 N SUITE 300
MOBILE, AL 36608

BANK OF AMERICA, NA
C/O ROBERT E UNELL
PEACHTREE ST., 6TH FLOOR
ATLANTA, GA 30308

COOK CONSTRUCTION CO, INC.
OF SOUTH FLORIDA
4206 NATIONAL GUARD DR
PLANT CITY, FL 33563

SE PROPERTY HOLDINGS, LLC
C/O GILBERT L FONTENOT
PO BOX 1281
MOBILE, AL 36633

SE PROPERTY HOLDINGS LLC
51 N THIRD ST
NEWARD, OH 43055

Certified and delivered to Escambia County Tax Collector, this 16th day of January, 2024.

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 16, 2025

Tax Account #:09-5070-506

**LEGAL DESCRIPTION
EXHIBIT "A"**

**LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON
LAKE S/D PB 17 P 49**

SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 09-5070-506(0525-73)

15.00
1029.00
1044.00

OR BK 4641 PG1594
Escambia County, Florida
INSTRUMENT 2000-799299

This Document Prepared By and Return to:
John W. Monroe, Jr.
Emmanuel, Sheppard & Condon
30 S. Spring St.
Pensacola, FL 32501

DEED DOC STAMPS PD @ ESC CO \$1029.00
12/22/00 GRANT LEE MARRAS, CLERK
By: *[Signature]*

Parcel ID Number: 33-2S-31-2000-010-026
Grantee #1 TIN:
Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 21st day of December, 2000 A.D., Between
Danny F. Phillips, Sr., also known as Danny Franklin Phillips and
Alecia M. Phillips, husband and wife
of the County of Escambia, State of Florida, grantors, and
The Mitchell Company, Inc., a corporation existing under the laws of
the State of Alabama
whose address is: 3298 Summit Boulevard, St. 18, Pensacola, FL 32503
of the County of Escambia, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Escambia, State of Florida to wit:
FOR LEGAL DESCRIPTION, SEE THE ATTACHED EXHIBIT "A", CONSISTING OF
ONE PAGE AND MADE A PART HEREOF BY REFERENCE.

There is expressly excepted from the warranties herein contained all
easements and restrictions of record, if any, and ad valorem real
property taxes for the year 2001 and subsequent years.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Printed Name: *[Signature]*
Witness: *[Signature]*

[Signature]
Printed Name: *[Signature]*
Witness: *[Signature]*

[Signature] (Seal)
Danny F. Phillips, Sr., also known
as Danny Franklin Phillips
P.O. Address: 6575 Suwanee Road, Pensacola, FL 32526

[Signature] (Seal)
Alecia M. Phillips
P.O. Address: 6575 Suwanee Road, Pensacola, FL 32526

STATE OF Florida
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 21st day of December, 2000 by
Danny F. Phillips, Sr., also known as Danny Franklin Phillips, and
Alecia M. Phillips
who are personally known to me or who have produced their identification *[Signature]* as



Printed Name: *[Signature]*
Notary Public: *[Signature]*
My Commission Expires:

Exhibit A

LOTS ONE (1) THROUGH TWELVE (12), BOTH INCLUSIVE, BLOCK 26, GULF BEACH MANOR SUBDIVISION, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 31 WEST, AND SECTION 4, TOWNSHIP 3 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK ONE (1) AT PAGE 16, OF THE PUBLIC RECORDS OF SAID COUNTY.

ALSO:

BEGIN AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 26, GULF BEACH MANOR SUBDIVISION, AS RECORDED IN PLAT BOOK ONE (1), AT PAGE 16 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE SOUTHWESTERLY ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 297 (DOG TRACK ROAD, 66' R/W); THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF AFORESAID SUBDIVISION; THENCE NORTHEASTERLY ALONG SAID WESTERLY EXTENSION TO THE NORTHWEST CORNER OF LOT 3, BLOCK 26 OF SAID SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE WEST LINE OF SAID BLOCK 26 TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 33, TOWNSHIP 2 SOUTH, RANGE 31 WEST, AND SECTIONS 4 AND 5, TOWNSHIP 3 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.

OR BK 4641 PB1596
Escambia County, Florida
INSTRUMENT 2000-799299

RCD Dec 22, 2000 02:32 pm
Escambia County, Florida

RESIDENTIAL SALES
ABUTTING ROADWAY
MAINTENANCE DISCLOSURE

Ernie Lee Magaha
Clerk of the Circuit Court
INSTRUMENT 2000-799299

ATTENTION: Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure must additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinances Chapter 1-29.2, Article V requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: Dog Track Road
Legal Address of Property: 2146 and 2150 Dog Track Road, Pensacola, FL

The County (X) has accepted () has not accepted the abutting roadway for maintenance.

This form completed by: John W. Monroe, Jr. of Emmanuel, Sheppard & Condon
30 South Spring Street
Pensacola, Florida 32501

AS TO SELLER(S):

Benny F. Phillips Sr.
Seller's Name: Benny F. Phillips, Sr.
Alecia M. Phillips
Seller's Name: Alecia M. Phillips

Mary Khed
Witness: Mary Khed
Beverly Martin
Witness: BEVERLY MARTIN

AS TO BUYER (S):

The Mitchell Company, Inc.
By: Jeffrey A. Michael
Buyer's Name: Jeffrey A. Michael
Senior Vice President
Buyer's Name:

Mary Khed
Witness: Mary Khed
Beverly Martin
Witness: BEVERLY MARTIN

THIS FORM APPROVED BY THE
ESCAMBIA COUNTY BOARD
OF COUNTY COMMISSIONERS
Effective: 4/15/95

IN THE COUNTY COURT IN AND FOR
ESCAMBIA COUNTY FLORIDA

ERNIE LEE MAGAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2009 MAR 27 P 2:32

DEEP SOUTH CRANE RENTALS, INC.
6949 Mobile Highway
Pensacola, FL 32526

COUNTY CIVIL DIVISION
FILED & RECORDED

Plaintiff,

vs.

Case No. 2009 SC 000102
Division 5

MITCHELL COMPANY
41 w, I-65 Service Rd. North
Mobile, AL 36608

Defendant.

FINAL JUDGMENT

At a final hearing in open court on March 20, 2009, the plaintiff appeared representing itself and the defendant appeared with counsel. Defendant rented a 100 ton crane from plaintiff for work to be performed in Alabama "placing" modular homes on permanent foundations at various sites. At issue is an invoice on which defendant made only a partial payment, withholding funds to "reimburse" damages it alleges plaintiff caused to the property.

It is undisputed that the property in question where plaintiff was performing work under defendant's direction was very "soft" and "mushy." Defendant claims that the crane became "stuck more than once" and while crossing the driveway "a city culvert was crushed and the homeowners property was unnecessarily damaged." Defendant was required by the homeowner/city officials to install a new culvert and replace St. Augustine sod after adding fill dirt and re-grading the affected area and therefore deducted their expenses from the final invoice for the project.

Plaintiff argues that the agreement between the parties is clear and unambiguous. It is undisputed that directly above the signature of defendant's superintendent on the job ticket are the following four sentences: "Interest at the rate of 1.5% per month from due date will be applied to all accounts over 30 days past due. By signature below customer signifies that crossing of driveways, paving ground and hidden underground utilities or structures is at their request and benefit and they will assume all liability for damage to same. In the event of default or failure to pay the above obligation, purchaser agrees to pay all cost of collections and waive all exemptions under the laws of the State where work is performed. If litigation is held, legal venue shall always be in Escambia County, Florida." The defendant's superintendent testified that it is common practice in the industry for the supplier of heavy crane rentals to require job tickets in the field which are customarily signed by the superintendent for work performed. That was certainly the case here. It is also clear and unambiguous from the "Quotation Estimate" provided to defendant

Case: 2009 SC 000102

00056833199

Dkt: CC1033 Pg#: 2

that there is an hourly daily minimum of "8" hours at \$225.00/hour plus a daily per diem of \$200.00.

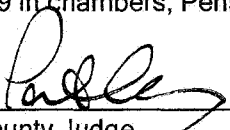
Defendant seeks to decrease the amount billed by the hours necessary to free the crane from the various times it became "stuck" in the "mushy ground," but it is undisputed that there was never a day wherein the crane was out of service for the entire time. At least a portion of each day invoiced was spent productively. Defendant further argues that regardless of the 8 hour minimum, it was plaintiff's negligence that cause the crane to become "stuck" and therefore the negligent act creates an exception to the "8 hour minimum" charge. This ignores the fact that the crane did not experience mechanical failure; that is, the non-productive time was based on the ground conditions, not the failure of the crane itself to function. It also ignores the fact that the crane was operated "at [defendant's] request" with defendant assuming all liability for damage.

Finally, there is no notation on the job ticket that the plaintiff caused any damage for which defendant should not be liable despite the language of the printed form. Instead, defendant's supervisor merely signed the printed form which clearly and unambiguously waives plaintiff's liability for damage caused to the property by the 100 ton crane. Nor was there any testimony that the superintendent or any other person complained to plaintiff that they would discontinue the crane rental because the operator refused to comply with defendant's request(s) to operate only on "mats" due to the soil condition. This seems to be defendant's after-the-fact realization that perhaps the use of mats might have limited damage to the property.

If defendant's testimony is to be considered credible, the court must ignore the multiple opportunities defendant would have had to limit or even prevent any damage from occurring and yet excuse their apparent failure to exercise these options. Their failure to take any of these steps reinforces the courts finding that the parties were operating under the terms and conditions as defined in the written job tickets and therefore it is

ORDERED AND ADJUDGED that plaintiff shall recover from defendant \$3,321.85 plus court costs of \$375.00 which shall accrue interest at the rate of 8% per annum for which let execution issue. As to the counterclaim, the defendant shall recover nothing from plaintiff who shall go hence without day.

DONE AND ORDERED this 23rd day of March 2009 in chambers, Pensacola, Escambia County, Florida.



County Judge

cc: Plaintiff
Jeremiah Talbott, Attorney for Defendant

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

BANK OF AMERICA, N.A.,
a national banking association,

Plaintiff,

v.

CASE NO.: 2008-CA-6145

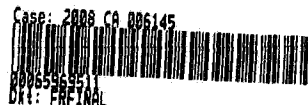
BANYAN CONSTRUCTION AND
DEVELOPMENT, INC., a Florida corporation
a/k/a BANYAN CONST. & DEV. INC.; THE
MITCHELL COMPANY, INC., an Alabama
corporation a/k/a MITCHELL HOMES, INC.;
JDC ACQUISITION CORPORATION, an
Alabama corporation; GECI & ASSOCIATES
ENGINEERS, INC., a Florida corporation;
PENSACOLA CONCRETE CONSTRUCTION
CO., INC., a Florida corporation; GARY F.
BYRD, LLC, a Florida limited liability company;
KNIGHT LAKE ESTATES HOMEOWNERS
ASSOCIATION, INC., a Florida non-profit
corporation; and TIMERBERLANE PROPERTY
OWNERS ASSOCIATION, INC., a Florida non-
profit corporation,

Defendants.

FINAL DEFICIENCY JUDGMENT

THIS CAUSE came before this Honorable Court on January 9, 2013, upon the Motion for Deficiency Judgment (the "Motion") filed by BANK OF AMERICA, N.A., a national banking association (the "Plaintiff") in the above-styled case on September 11, 2012. (All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.) This Court, having considered (i) the Motion, (ii) the pleadings filed herein, (iii) evidence presented to this Court to date, (iv) oral and written arguments of counsel and (v) being otherwise duly advised of the premises, hereby

FINDS, ORDERS and ADJUDGES as follows:



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a

(1) The Motion is hereby **GRANTED**.

(2) This Court has jurisdiction over the parties and the subject matter of this proceeding.

(3) Plaintiff shall have and recover from Defendants, **BANYAN CONSTRUCTION AND DEVELOPMENT, INC.**, a Florida corporation a/k/a Banyan Const. & Dev. Inc. ("Banyan"), **THE MITCHELL COMPANY, INC.**, an Alabama corporation a/k/a Mitchell Homes, Inc. ("Mitchell"), and **JDC ACQUISITION CORPORATION**, an Alabama corporation ("JDC") (collectively, the "Defendants"), jointly and severally, the following TOTAL sum (calculation of which is set forth below):

Stipulated Judgment	\$25,923,870.12
Less Bid Price at Sale Date	(\$100.00)
Less Property Value as of Sale Date	(\$15,285,000.00)
Deficiency Principal after Sale Date (the " <u>Deficiency Principal</u> ")	\$10,638,770.12
Interest on Note accruing July 6, 2009 through date of Stipulated Judgment (7/6/2009 through 7/15/2009)	\$98.37
Interest on Stipulated Judgment pursuant to Florida Statute §55.03 from July 7, 2009 through Sale Date (7/7/2009 through 9/8/2009)	\$357,998.28
Interest on Deficiency Principal pursuant to Florida Statute §55.03 from September 9, 2009 through December 31, 2009	\$263,518.08
Interest on Deficiency Principal pursuant to Florida Statute §55.03 from January 1, 2010 through September 30, 2011	\$1,115,870.81
Interest on Deficiency Principal pursuant to Florida Statute §55.03 from October 1,	

2011 through December 31, 2011	\$127,373.78
Interest on Deficiency Principal pursuant to Florida Statute §55.03 from January 1, 2012 through December 31, 2012	\$505,339.94
Interest on Deficiency Principal pursuant to Florida Statute §55.03 from January 1, 2013 through January 9, 2013	\$12,460.48
Total Accrued Interest	\$2,382,659.74
Supplemental Attorneys' Fees	\$51,937.63
Supplemental Costs	\$36,005.54
Total Supplemental Attorneys' Fees and Costs	\$87,943.17
TOTAL	\$13,109,373.03

which TOTAL of **THIRTEEN MILLION ONE HUNDRED NINE THOUSAND THREE HUNDRED SEVENTY-THREE AND 03/100 DOLLARS** (\$13,109,373.03) (the "Total") shall bear interest at the statutory rate (currently 4.75%) in accordance with Chapter 55.03, *Florida Statutes*, for which let execution issue.

(4) Pursuant to Section 702.10, *Florida Statutes*, if the requested attorneys' fees are less than or equal to three percent (3%) of the unpaid principal balance of the Note at the time of the filing of this suit, it is unnecessary for this Honorable Court to hold a hearing or adjudge the requested attorneys' fees to be reasonable. Plaintiff seeks supplemental attorneys' fees in the amount of \$51,937.63, which, when added to attorneys' fees of \$51,879.00 awarded by the Stipulated Judgment, is less than three percent (3%) of the unpaid principal. Thus, this Court need not determine the reasonableness of said supplemental fees, or conduct a hearing thereon.

(5) Pursuant to Chapter 55.10(1), *Florida Statutes*, Plaintiff's address is Bank of America, N.A., c/o Robert E. Unell, 600 Peachtree Street, 6th Floor, Atlanta, Georgia 30308.

(6) Pursuant to Chapter 55.01, *Florida Statutes*, Defendants' last known addresses are as follows:

Banyan Construction and Development, Inc., a/k/a Banyan Const. & Dev. Inc.
c/o Mr. Paul Wesch, Esq.
PO Box 161049
Mobile, Alabama 36616
41 West I-65 Service Road North
Suite 3
Mobile, Alabama 36608

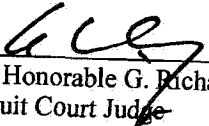
The Mitchell Company, Inc., a/k/a Mitchell Homes, Inc.
c/o Mr. Paul Wesch, Esq.
PO Box 161049
Mobile, Alabama 36616
41 West I-65 Service Road North
Suite 3
Mobile, Alabama 36608


JDC Acquisition Corporation
c/o John B. Saint
41 West I-65 Service Road North
Mobile, Alabama 36608

(7) Defendants shall each complete under oath a Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet) ("Form 1.977"), including all required attachments, and serve them upon Plaintiff's counsel of record, Catherine S. Hester, Esq., PO Box 611246, Rosemary Beach, Florida 32461, within forty-five (45) days from the date of this Final Deficiency Judgment, unless this Final Deficiency Judgment is satisfied or post-judgment discovery is stayed for any reason. Copies of each Form 1.977 to be completed by each one of the Defendants are attached hereto as Composite Exhibit "A" and are incorporated herein by this reference.

(8) This Court also retains jurisdiction of this case to enter further orders that are appropriate and necessary, including orders to (i) compel Defendants to each fully complete Form 1.977, including all required attachments, (ii) serve completed Form 1.977 upon Plaintiff's counsel as set forth herein, and (iii) award additional fees and costs (including but not limited to those pursuant to § 57.115, *Florida Statutes*) as appropriate upon further motion and hearing.

DONE AND ORDERED in Chambers at Tavares, Lake County, Florida, this 9 day of January, 2013.


The Honorable G. Richard Singeltary
Circuit Court Judge

Conformed copies to: 

Catherine S. Hester, Esq., Brown & Associates, PLLC, PO Box 611246, Rosemary Beach, Florida 32461

Paul Wesch, Esq., The Mitchell Company, Inc., PO Box 161049, Mobile, Alabama 36616

Stephen Moorhead, Esq., McDonald, Fleming, Moorhead, 25 West Government Street, Pensacola, Florida 32502

Alan Bookman, Esq., Emmanuel, Sheppard & Condon, PO Box 1271, Pensacola, Florida 32591

Stephen Shell, Esq., Shell, Fleming, Davis & Menge, Ninth Floor, Seville Tower, 226 Palafox Place, Pensacola, Florida 32597

Composite Exhibit "A"

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

BANK OF AMERICA, N.A.,
a national banking association,

Plaintiff,

v.

CASE NO.: 2008-CA-6145

BANYAN CONSTRUCTION AND
DEVELOPMENT, INC., a Florida corporation
a/k/a BANYAN CONST. & DEV. INC.; THE
MITCHELL COMPANY, INC., an Alabama
corporation a/k/a MITCHELL HOMES, INC.;
JDC ACQUISITION CORPORATION, an
Alabama corporation; GECI & ASSOCIATES
ENGINEERS, INC., a Florida corporation;
PENSACOLA CONCRETE CONSTRUCTION
CO., INC., a Florida corporation; GARY F.
BYRD, LLC, a Florida limited liability company;
KNIGHT LAKE ESTATES HOMEOWNERS
ASSOCIATION, INC., a Florida non-profit
corporation; and TIMERBERLANE PROPERTY
OWNERS ASSOCIATION, INC., a Florida non-
profit corporation,

Defendants.

FORM 1.977 (b) FACT INFORMATION SHEET
FOR CORPORATIONS AND OTHER BUSINESS ENTITIES

Name of entity: BANYAN CONSTRUCTION AND DEVELOPMENT, INC.

Name and title of person filling out this form:

Telephone number:

Place of business:

Mailing address (if different):

Gross/taxable income reported for federal income tax purposes last three years:

\$ _____ / \$ _____ \$ _____ / \$ _____ \$ _____ / \$ _____

Taxpayer identification number:

Is this entity an S corporation for federal income tax purposes? ____ Yes ____ No

Average number of employees per month _____

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:

.....
.....
.....

Names of officers, directors, members, or partners:
.....

Checking account at: _____ Account # _____

Savings account at: _____ Account # _____

Does the entity own any vehicles? ____ Yes ____ No

For each vehicle please state:

Year/Make/Model: _____ Color:

Vehicle ID No: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to:

Balance on Loan: \$ _____

Monthly Payment: \$ _____

Does the entity own any real property?
____ Yes ____ No

If yes, please state the address(es):
.....

Please check if the entity owns the following:

_____ Boat

_____ Camper

_____ Stocks/bonds

_____ Other real property

_____ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

BANYAN CONSTRUCTION AND DEVELOPMENT, INC., a Florida corporation a/k/a **BANYAN CONST. & DEV. INC.**

By: _____
Name: _____
Its: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me on _____ (DATE), by _____, who is personally known to me or has produced _____ as identification and who _____ did/did not _____ take an oath.

WITNESS my hand and official seal, this _____ day of _____, 2013.

Notary Public
State of Florida

My Commission expires: _____

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

BANK OF AMERICA, N.A.,
a national banking association,

Plaintiff,

v.

CASE NO.: 2008-CA-6145

BANYAN CONSTRUCTION AND
DEVELOPMENT, INC., a Florida corporation
a/k/a BANYAN CONST. & DEV. INC.; THE
MITCHELL COMPANY, INC., an Alabama
corporation a/k/a MITCHELL HOMES, INC.;
JDC ACQUISITION CORPORATION, an
Alabama corporation; GECI & ASSOCIATES
ENGINEERS, INC., a Florida corporation;
PENSACOLA CONCRETE CONSTRUCTION
CO., INC., a Florida corporation; GARY F.
BYRD, LLC, a Florida limited liability company;
KNIGHT LAKE ESTATES HOMEOWNERS
ASSOCIATION, INC., a Florida non-profit
corporation; and TIMERBERLANE PROPERTY
OWNERS ASSOCIATION, INC., a Florida non-
profit corporation,

Defendants.

FORM 1.977 (b) FACT INFORMATION SHEET
FOR CORPORATIONS AND OTHER BUSINESS ENTITIES

Name of entity: THE MITCHELL COMPANY, INC.

Name and title of person filling out this form:

Telephone number:

Place of business:

Mailing address (if different):

Gross/taxable income reported for federal income tax purposes last three years:

\$ _____ / \$ _____ \$ _____ / \$ _____ \$ _____ / \$ _____

Taxpayer identification number:

Is this entity an S corporation for federal income tax purposes? ____ Yes ____ No

Average number of employees per month

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:

.....
.....
.....

Names of officers, directors, members, or partners:
.....

Checking account at: Account #

Savings account at: Account #

Does the entity own any vehicles? ____ Yes ____ No

For each vehicle please state:

Year/Make/Model: Color:

Vehicle ID No: Tag No: Mileage:

Names on Title: Present Value: \$

Loan Owed to:

Balance on Loan: \$

Monthly Payment: \$

Does the entity own any real property?
____ Yes ____ No

If yes, please state the address(es):
.....

Please check if the entity owns the following:

_____ Boat

_____ Camper

_____ Stocks/bonds

_____ Other real property

_____ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

THE MITCHELL COMPANY, INC., an
Alabama corporation a/k/a **MITCHELL
HOMES, INC.**

By: _____
Name: _____
Its: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me on _____ (DATE), by
_____, who is personally known to me or has produced
_____ as identification and who _____ did/did not _____ take an
oath.

WITNESS my hand and official seal, this _____ day of _____, 2013.

Notary Public
State of Florida

My Commission expires: _____

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

BANK OF AMERICA, N.A.,
a national banking association,

Plaintiff,

v.

CASE NO.: 2008-CA-6145

BANYAN CONSTRUCTION AND
DEVELOPMENT, INC., a Florida corporation
a/k/a BANYAN CONST. & DEV. INC.; THE
MITCHELL COMPANY, INC., an Alabama
corporation a/k/a MITCHELL HOMES, INC.;
JDC ACQUISITION CORPORATION, an
Alabama corporation; GECI & ASSOCIATES
ENGINEERS, INC., a Florida corporation;
PENSACOLA CONCRETE CONSTRUCTION
CO., INC., a Florida corporation; GARY F.
BYRD, LLC, a Florida limited liability company;
KNIGHT LAKE ESTATES HOMEOWNERS
ASSOCIATION, INC., a Florida non-profit
corporation; and TIMERBERLANE PROPERTY
OWNERS ASSOCIATION, INC., a Florida non-
profit corporation,

Defendants.

FORM 1.977 (b) FACT INFORMATION SHEET
FOR CORPORATIONS AND OTHER BUSINESS ENTITIES

Name of entity: JDC ACQUISITION CORPORATION

Name and title of person filling out this form:

Telephone number:

Place of business:

Mailing address (if different):

Gross/taxable income reported for federal income tax purposes last three years:

\$ _____ / \$ _____ \$ _____ / \$ _____ \$ _____ / \$ _____

Taxpayer identification number:

Is this entity an S corporation for federal income tax purposes? ____ Yes ____ No

Average number of employees per month _____

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:

.....
.....
.....

Names of officers, directors, members, or partners:

.....

Checking account at: _____ Account # _____

Savings account at: _____ Account # _____

Does the entity own any vehicles? ____ Yes ____ No

For each vehicle please state:

Year/Make/Model: _____ Color:

Vehicle ID No: _____ Tag No: _____ Mileage: _____

Names on Title: _____ Present Value: \$ _____

Loan Owed to:

Balance on Loan: \$ _____

Monthly Payment: \$ _____

Does the entity own any real property?

____ Yes ____ No

If yes, please state the address(es):

.....

Please check if the entity owns the following:

- ☐ Boat
- ☐ Camper
- ☐ Stocks/bonds
- ☐ Other real property
- ☐ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

.. . .

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

JDC ACQUISITION CORPORATION,
an Alabama corporation

By: _____
Name: _____
Its: _____

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me on _____ (DATE), by _____, who is personally known to me or has produced _____ as identification and who _____ did/did not _____ take an oath.


WITNESS my hand and official seal, this _____ day of _____, 2013.

Notary Public
State of Florida

My Commission expires: _____

THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.

STATE OF FLORIDA, COUNTY OF LAKE
I HEREBY CERTIFY the above and foregoing
is a true copy of the document filed in this office.
By Jash K. [Signature] Deputy Clerk
Dated 11/13
This document may be redacted as required by law.



INSTRUMENT#: 2011420825, BK: 20878 PG: 1010 PGS: 1010 - 1012 12/29/2011 at
11:28:33 AM, DEPUTY CLERK: DJOHNSON Pat Frank, Clerk of the Circuit Court
Hillsborough County

Return to:

C. David Harper, Esquire
100 North Tampa Street, Suite 2100
Tampa, Florida 33602

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

COOK CONSTRUCTION CO., INC. OF
SOUTH FLORIDA, a Florida corporation,

Plaintiff,

vs.

THE STEWART/PERRY COMPANY, INC.,
an Alabama corporation; and THE
MITCHELL COMPANY, INC., an Alabama
corporation,

Defendants.

Case No.: 10-CA-006346

Division: B

FILED
CLERK OF CIRCUIT COURT
2011 DEC 19 AM 10:03
HILLSBOROUGH CNTY, FLA
CIRCUIT CIVIL

FINAL SUMMARY JUDGMENT
AGAINST THE MITCHELL COMPANY, INC.

Simultaneously herewith, the Court entered its Order Granting Plaintiff's Motion for
Summary Judgment Against The Mitchell Company, Inc. Accordingly, the Court hereby:

ORDERED, ADJUDGES, and DECREES as follows:

1. A Final Summary Judgment is hereby entered in favor of the plaintiff, Cook
Construction Co., Inc. of South Florida ("Cook Construction"), and against defendant The
Mitchell Company, Inc. ("Mitchell Company"), and there is now due and owing to Cook
Construction, and Cook Construction shall recover from Mitchell Company: (a) the principal
sum of \$597,980.41, together with pre-judgment interest at the statutory rate from October 20,
2008 to November 7, 2011 (totaling \$111,724.04), for a total of \$709,704.45; plus (b) post-
judgment interest thereon at the legal rate until this Final Summary Judgment is satisfied, all for
which sums let execution issue.

4843-1135-8989.2

3
RETURN TO CIRCUIT CIVIL



Bk 20878 Pg 1011

2. Cook Construction's current address is 4206 National Guard Drive, Plant City, Florida 33563.

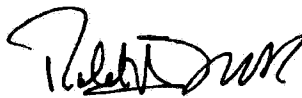
3. Mitchell Company's current address is 41 West 165 Service Road North, Suite 300, Mobile, Alabama 36608.

4. Mitchell Company's FEI/EIN number is 631086171.

5. It is further ordered and adjudged that Mitchell Company shall complete under oath Florida Rule of Civil Procedure Form 1.977(b) (Fact Information Sheet), including all required attachments, and serve it on Cook Construction's attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed. Jurisdiction of this case is retained to enter further orders that are proper to compel Mitchell Company to complete form 1.977, including all required attachments, and serve it on Cook Construction's attorney.

6. The Court also shall retain jurisdiction over this matter to enter all other orders which may be necessary or appropriate, including, without limitation, orders related to Cook Construction's costs, post judgment discovery, the enforcement of this final judgment, and only as to Cook Construction's claims against defendant The Stewart/Perry Company, Inc. This reservation of jurisdiction does not affect the finality of this Judgment as to Mitchell Company, and the jurisdiction as to Mitchell Company is retained solely for issues relating to the award of costs, and matters relating to the execution of this Judgment.

DONE and ORDERED in Chambers at Tampa, Hillsborough County, Florida on this 15 day of December, 2011.

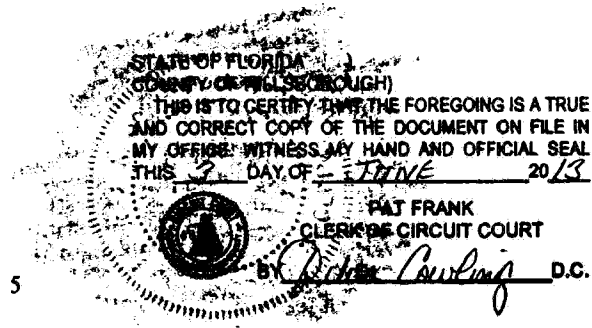


The Honorable Robert A. Foster, Jr.
Circuit Judge

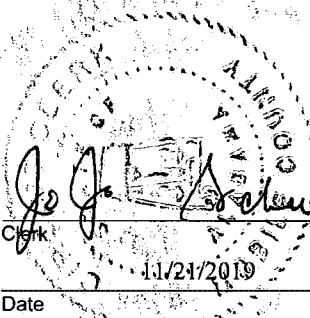

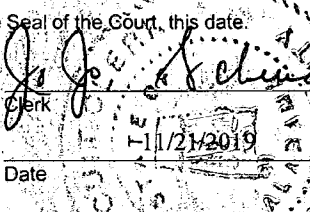
Bk 20878 Pg 1012

Copies furnished to:
C. David Harper, Esquire
Bruce D. Partington, Esquire
Jason J. Quintero, Esquire

4843-1135-8989.2



Case no. 2019 CA 001904

State of Alabama Unified Judicial System Form C-36 Rev. 10/99	CERTIFICATE OF EXEMPLIFICATION	Case Number CV-2009-900085
STATE OF ALABAMA		
IN THE _____ Circuit COURT OF _____ Mobile County, ALABAMA (Circuit or District) (Name of County) Vision Bank v. Bama Bayou LLC, etc., et al. (State of Alabama or Plaintiff) Defendant		
<p>I, <u>JoJo Schwarzauer</u>, Clerk of the above-named Court, do hereby certify that the documents annexed to this Certificate of Exemplification are true copies of originals on file and of record in this office.</p> <p>In witness whereof, I have hereunto set my hand and Seal of the Court, this date _____</p> <p> Clerk 11/21/2019 Date</p> <p>2019 NOV 21 P 2:11 CLERK & COMPTROLLER FILED ESCAMBIA COUNTY, FL</p>		
<p>I, <u>Jill P. Phillips</u>, Judge of the above-named Court, do hereby certify that, <u>JoJo Schwarzauer</u>, whose name is signed to the preceding Certificate of Exemplification, is the Clerk of the above-named Court, duly elected/appointed, and that full faith and credit are due to his/her official acts. I further certify that the Seal affixed to the Exemplification is the Seal of the Court, and that the attestation thereof is in due form of law.</p> <p> Judge 11/21/2019 Date</p>		
<p>I, <u>JoJo Schwarzauer</u>, Clerk of the above-named Court, do hereby certify that <u>Jill P. Phillips</u>, whose name is signed to the foregoing certificate, is the Judge of the above-named Court, elected and sworn, and that the signature of the Judge is genuine.</p> <p>In witness whereof, I have hereunto set my hand and affixed the Seal of the Court, this date _____</p> <p> Clerk 11/21/2019 Date</p>		



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11/20/2019 1:59 PM
02-CV-2009-900085.00
CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
JOJO SCHWARZAUER, CLERK

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

case no. 2019 CA 001904

VISION BANK,
Plaintiff,

V.

BAMA BAYOU LLC AN ALABAMA
LIMITED LIABILITY CO FKA,
MITCHELL COMPANY INC AN
ALABAMA CORPORATION,
SAINT FRANCES J PERSONAL REP
OF THE ESTATE OF,
STEFAN CHESTER J ET AL,
Defendants.

Case No.: CV-2009-900085.00

PAM CHILDERS
CLERK & CONTROLLER
FILED
2019 NOV 21 P 2:12
ESCAMBIA COUNTY, FL

ORDER AND FINAL JUDGMENT

This matter is before the Court on: (i) SE Property Holdings, LLC's ("SEPH") Motion to Sever (Doc. 2441); (ii) SEPH's Motion to Dismiss Count 9 of its Third Amended Complaint (Doc. 2406); (iii) SEPH's Motion to Dismiss Counts Ten and Eleven of its Third Amended Complaint (Doc. 2488); (iv) SEPH's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment as to Count 5 of Bank of Franklin's "Third Amendment Claims by Bank of Franklin Against SEPH and Bama Bayou, LLC" (Doc. 2474); (v) Park National Corporation's ("Park") Motion for Summary Judgment and Incorporated Brief (Doc. 2391); (vi) SEPH's Motion for Summary Judgment and Incorporated Brief (Doc. 2388); (vii) Cadence Bank's Joinder in Certain Pleadings of SEPH and Park (Doc. 2427); (viii) Cadence Bank's Joinder in Certain Pleadings of SEPH and Park (Doc. 2450); (ix) Joinder by West Alabama Bank & Trust's in Certain Pleadings of SEPH and Park (Doc. 2453); and (x) Bank of Franklin's Joinders in SEPH and Park's Motions for Summary Judgment (Docs. 2408, 2410).¹ The Court held oral

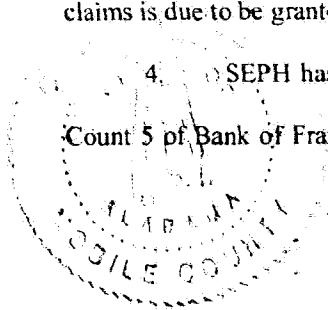
argument on these and all other pending motions on October 25, 2019 (except for SEPH's Motion to Dismiss its fraud claims which was filed after October 25, 2019). The Court has carefully considered the parties' motions, briefs, and evidentiary submissions, the arguments of counsel, and the recommendations of the Special Master. Upon due deliberation, and as set forth below, the Court concludes that each of the foregoing motions is due to be GRANTED.

1. SEPH has moved the Court, pursuant to Rule 21 of the Alabama Rules of Civil Procedure, to sever all claims brought by SEPH and Bank of Franklin against each other. There is no opposition, and Bank of Franklin has joined in the Motion to Sever. All claims by SEPH and Bank of Franklin against each other are hereby SEVERED as a separate action pursuant to Rule 21 of the Alabama Rules of Civil Procedure. The severed case of *Bank of Franklin v. SEPH* shall remain on the docket of and/or be assigned to the undersigned Circuit Judge.

2. SEPH has moved the Court to dismiss Count Nine of its Third Amended Complaint (Doc. 1563) pursuant to Rule 41(a)(2) of the Alabama Rules of Civil Procedure. (Doc. 2406.) Count Nine is SEPH's claim for an inspection and accounting of records and payments by and among Bama Bayou, LLC ("Bama Bayou"), Marine Park, LLC ("Marine Park"), and the guarantors of the loans to those entities. There is no opposition to SEPH's Motion to Dismiss Count Nine. Count Nine is hereby DISMISSED.

3. SEPH has moved the Court to dismiss Counts Ten and Eleven of its Third Amended Complaint pursuant to Rule 41(a)(2) of the Alabama rules of Civil Procedure. Counts Ten and Eleven are claims for fraud and promissory fraud. SEPH's Motion to Dismiss these claims is due to be granted. Counts Ten and Eleven are hereby DISMISSED.

4. SEPH has moved to dismiss or, in the alternative, for summary judgment as to Count 5 of Bank of Franklin's "Third Amendment Claims by Bank of Franklin Against SEPH

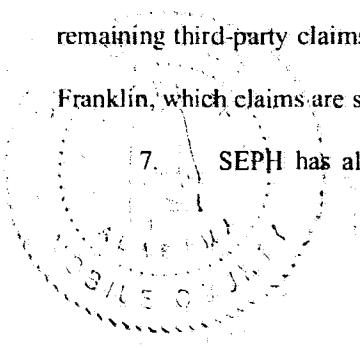


and Bama Bayou, LLC" (Bank of Franklin's "Third Amended Claims"). (Doc. 2474.) Due to this Court's August 31, 2018 Order (Doc. 2272) ruling "against the Borrowers and Guarantors on their claims for attorneys' fees and expenses," Bank of Franklin does not object to the dismissal of Count 5 of its Third Amended Claims against SEPH and Bama Bayou. Count 5 is hereby DISMISSED WITHOUT PREJUDICE.

5. Park is a third-party defendant in this case, having been named as a defendant in the Defendants' Fourth Amended Counterclaims (Doc. 931).² Following previous rulings by the Court, only Count Three, a claim by certain guarantors pursuant to the Equal Credit Opportunity Act ("ECOA" and the "ECOA claimants"), remains outstanding against Park. Park has moved for summary judgment as to all remaining third-party claims asserted against it. (Doc. 2391.) There is no genuine issue as to any material fact, and Park is entitled to judgment as a matter of law. Therefore, Summary judgment is hereby GRANTED in favor of Park as to all remaining third-party claims asserted against Park.

6. SEPH has moved for summary judgment in its favor as to the remaining counterclaims asserted against it. (Doc. 2388.) Following previous rulings by the Court, only Count Three, the ECOA claim brought by the ECOA claimants, remains outstanding against SEPH. There is no genuine issue as to any material fact, and SEPH is entitled to judgment as a matter of law. Therefore, summary judgment is hereby GRANTED in favor of SEPH as to all remaining counterclaims asserted against SEPH. Summary judgment is also GRANTED in favor of Cadence Bank, West Alabama Bank & Trust, and the Bank of Franklin as to any remaining third-party claims asserted against them (other than claims by SEPH against Bank of Franklin, which claims are severed by this Order).

7. SEPH has also moved for partial summary judgment in its favor on Counts 1



through 6 of SEPH's Third Amended Complaint. (Doc. 2388.) Counts One through Six consist of SEPH's claims for breach of contract against Bama Bayou and the guarantors of the loans to Bama Bayou (the "Bama Bayou Guarantors"). There is no genuine issue as to any material fact of Counts One through Six, and SEPH is entitled to judgment as a matter of law. Therefore, summary judgment is hereby GRANTED in favor of SEPH and against Bama Bayou and the Bama Bayou Guarantors as to Counts 1 through 6 of SEPH's Third Amended Complaint (including as to all affirmative defenses and other defenses asserted by Bama Bayou and the Bama Bayou Guarantors).

8. Judgment is entered on Counts 1 through 6 of SEPH's Third Amended Complaint in favor of SEPH and against Bama Bayou and the Bama Bayou Guarantors on the "West Note" dated March 24, 2005 and the guaranties thereof, the "East Note" dated June 12, 2006 and the guaranties thereof, and the "North Note" dated September 27, 2007 and the guaranties thereof.³

9. Judgment is entered in favor of SEPH and against Bama Bayou in the following specified amounts:

Bama Bayou

- i. West Note: \$6,000,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$5,000,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$3,950,495.29 in principal and \$1,513,596.31 in interest;
- iv. Total: \$20,245,143.09.

10. Judgment is entered in favor of SEPH and against the Bama Bayou Guarantors in the following specified amounts:

a. The Mitchell Company

- i. West Note: \$3,000,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$2,500,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$3,750,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$14,544,347.80.

b. Frances Saint, in her capacity as Personal Representative of the Estate of John B. Saint

- i. West Note: \$2,250,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$1,875,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$1,875,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$11,294,347.80.

c. Chester J. Stefan

- i. West Note: \$1,125,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$937,500.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$937,500.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$8,294,347.80.

d. Donald P. Kelly, Jr.

- i. West Note: \$1,125,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$937,500.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$937,500.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$8,294,347.80.

e. Gulf World, LLC

- i. West Note: \$3,000,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$2,500,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$3,750,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$14,544,347.80.

f. Scott Raley

- i. West Note: \$780,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$700,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$700,000.00 in principal jointly and severally in the aggregate with Sue Raley and \$1,513,596.31 in interest;
- iv. Total: \$7,474,347.80.

g. James Branyon

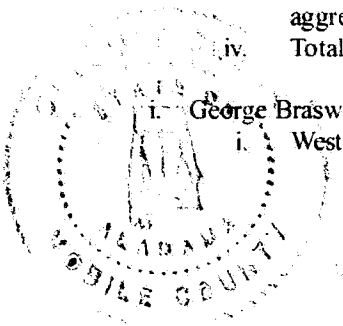
- i. West Note: \$625,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$560,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$560,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$7,039,347.80.

h. Tammy Center, as Personal Representative of the Estate of Charles Trammell (the "Charles Trammell Estate")

- i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Belinda Trammell and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

i. George Braswell

- i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;



- ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

j. Jason Dyken

- i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

k. Lester L. Boihem

- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Diane Boihem and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Diane Boihem and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Diane Boihem and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

l. Diane Boihem

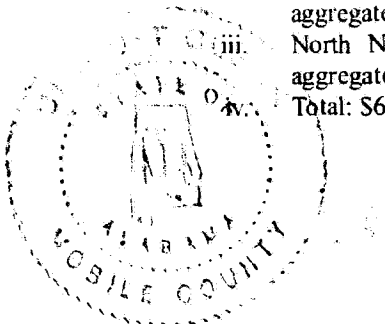
- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Lester L. Boihem and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Lester L. Boihem and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Lester L. Boihem and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

m. Carol J. Castille

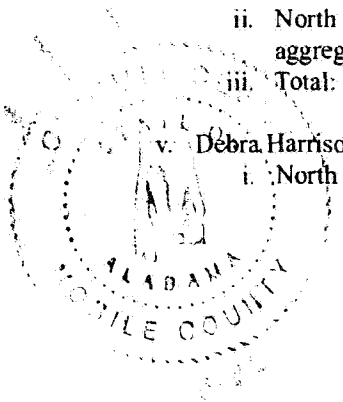
- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Stacey Castille and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal principal jointly and severally in the aggregate with Stacey Castille and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Stacey Castille and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

n. Stacey Castille

- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.



- o. Sara Rebecca Bain (a/k/a Sara Rebecca Johnston)
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- p. Paul Callicoat
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Wendy Callicoat and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- q. A.B. Harrison
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Debra Harrison and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- r. Stephen C. Lawler
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Jennifer Lawler and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- s. Jennifer Lawler
 - i. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Stephen C. Lawler and \$1,513,596.31 in interest.
 - ii. Total: \$1,793,596.31.
- t. Sue Raley
 - i. East Note: \$700,000.00 in principal and \$1,914,306.80 in interest;
 - ii. North Note: \$700,000.00 in principal jointly and severally in the aggregate with Scott Raley and \$1,513,596.31 in interest;
 - iii. Total: \$4,827,903.11.
- u. Belinda Trammell
 - i. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - ii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with the Charles Trammell Estate and \$1,513,596.31 in interest;
 - iii. Total: \$3,987,903.11.
- v. Debra Harrison
 - i. North Note: \$280,000.00 in principal jointly and severally in the



- aggregate with A.B. Harrison and \$1,513,596.31 in interest;
ii. Total: \$1,793,596.31.

w. Wendy Callicot

- i. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
ii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Paul Callicot and \$1,513,596.31 in interest;
iii. Total: \$3,987,903.11

11. Each Bama Bayou Guarantor is jointly and severally liable with Bama Bayou and each other Bama Bayou Guarantor up to the specified principal amount owed by the Bama Bayou Guarantor under each Note. Each Bama Bayou Guarantor is jointly and severally liable with Bama Bayou and each other Bama Bayou Guarantor as to all interest owed under each Note.

12. Pursuant to the contracts and Ala. Code § 8-8-10, post-judgment interest shall accrue on the judgment amounts owed under the West Note and the guaranties thereof at the rate of 6.5% per annum, and post-judgment interest shall accrue on the judgment amounts owed under the East Note and the North Note, as well as the guaranties of the East Note and the North Note, at the rate of 8.0% per annum. Bama Bayou and the Bama Bayou Guarantors are jointly and severally liable for all post-judgment interest that accrues on the Notes they guaranteed.

13. Costs are taxed as paid.

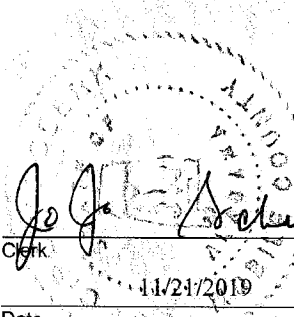
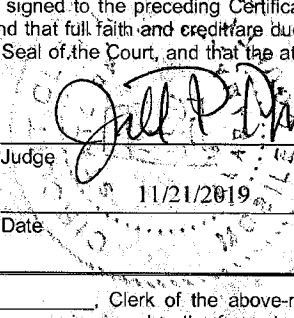
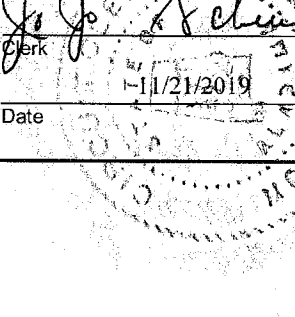
14. In accordance with this Order and the other Orders entered by this Court on this date, all claims, counterclaims, cross-claims, third-party claims, affirmative defenses, and other types of claims and defenses in this case have been either severed or fully and finally adjudicated. Therefore, this is a final judgment from which an appeal lies.

DONE this 20th day of November, 2019.

CERTIFIED AS A TRUE COPY
This 20th Day of Nov : 20 19
[Signature]
JoJo Schwarzaier
Clerk, Circuit Court of Mobile County, Alabama

/s/ JILL PARRISH PHILLIPS
CIRCUIT JUDGE

Case no. 2019 CA 001904

State of Alabama Unified Judicial System Form C-36 Rev. 10/99	CERTIFICATE OF EXEMPLIFICATION	Case Number CV-2009-900085
STATE OF ALABAMA		
IN THE <u>Circuit</u> COURT OF <u>Mobile County</u> , ALABAMA (Circuit or District) (Name of County)		
<u>Vision Bank</u> v. <u>Bama Bayou LLC, etc., et al.</u> (State of Alabama or Plaintiff) Defendant		
<p>I, <u>JoJo Schwarzauer</u>, Clerk of the above-named Court, do hereby certify that the documents annexed to this Certificate of Exemplification are true copies of originals on file and of record in this office.</p> <p>In witness whereof, I have hereunto set my hand and Seal of the Court, this date.</p> <p> Clerk <u>JoJo Schwarzauer</u> Date <u>11/21/2019</u></p>		
<p>I, <u>Jill P. Phillips</u>, Judge of the above-named Court, do hereby certify that, <u>JoJo Schwarzauer</u>, whose name is signed to the preceding Certificate of Exemplification, is the Clerk of the above-named Court, duly elected/appointed, and that full faith and credit are due to his/her official acts. I further certify that the Seal affixed to the Exemplification is the Seal of the Court, and that the attestation thereof is in due form of law.</p> <p> Judge <u>Jill P. Phillips</u> Date <u>11/21/2019</u></p>		
<p>I, <u>JoJo Schwarzauer</u>, Clerk of the above-named Court, do hereby certify that <u>Jill P. Phillips</u>, whose name is signed to the foregoing certificate, is the Judge of the above-named Court, elected and sworn, and that the signature of the Judge is genuine.</p> <p>In witness whereof, I have hereunto set my hand and affixed the Seal of the Court, this date.</p> <p> Clerk <u>JoJo Schwarzauer</u> Date <u>11/21/2019</u></p>		



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02-CV-2009-900085.00
CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
JOJO SCHWARZAUER, CLERK

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

case no. 2019 CA 001904

VISION BANK,
Plaintiff,

V.

BAMA BAYOU LLC AN ALABAMA
LIMITED LIABILITY CO FKA,
MITCHELL COMPANY INC AN
ALABAMA CORPORATION,
SAINT FRANCES J PERSONAL REP
OF THE ESTATE OF,
STEFAN CHESTER J ET AL,
Defendants.

Case No.: CV-2009-900085.00

PAM CHILDEPS
CLERK & CONTROLLER
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ESCAMBIA COUNTY FL

ORDER AND FINAL JUDGMENT

This matter is before the Court on: (i) SE Property Holdings, LLC's ("SEPH") Motion to Sever (Doc. 2441); (ii) SEPH's Motion to Dismiss Count 9 of its Third Amended Complaint (Doc. 2406); (iii) SEPH's Motion to Dismiss Counts Ten and Eleven of its Third Amended Complaint (Doc. 2488); (iv) SEPH's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment as to Count 5 of Bank of Franklin's "Third Amendment Claims by Bank of Franklin Against SEPH and Bama Bayou, LLC" (Doc. 2474); (v) Park National Corporation's ("Park") Motion for Summary Judgment and Incorporated Brief (Doc. 2391); (vi) SEPH's Motion for Summary Judgment and Incorporated Brief (Doc. 2388); (vii) Cadence Bank's Joinder in Certain Pleadings of SEPH and Park (Doc. 2427); (viii) Cadence Bank's Joinder in Certain Pleadings of SEPH and Park (Doc. 2450); (ix) Joinder by West Alabama Bank & Trust's in Certain Pleadings of SEPH and Park (Doc. 2453); and (x) Bank of Franklin's Joinders in SEPH and Park's Motions for Summary Judgment (Docs. 2408, 2410).¹ The Court held oral

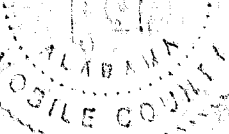
argument on these and all other pending motions on October 25, 2019 (except for SEPH's Motion to Dismiss its fraud claims which was filed after October 25, 2019). The Court has carefully considered the parties' motions, briefs, and evidentiary submissions, the arguments of counsel, and the recommendations of the Special Master. Upon due deliberation, and as set forth below, the Court concludes that each of the foregoing motions is due to be GRANTED.

1. SEPH has moved the Court, pursuant to Rule 21 of the Alabama Rules of Civil Procedure, to sever all claims brought by SEPH and Bank of Franklin against each other. There is no opposition, and Bank of Franklin has joined in the Motion to Sever. All claims by SEPH and Bank of Franklin against each other are hereby SEVERED as a separate action pursuant to Rule 21 of the Alabama Rules of Civil Procedure. The severed case of *Bank of Franklin v. SEPH* shall remain on the docket of and/or be assigned to the undersigned Circuit Judge.

2. SEPH has moved the Court to dismiss Count Nine of its Third Amended Complaint (Doc. 1563) pursuant to Rule 41(a)(2) of the Alabama Rules of Civil Procedure. (Doc. 2406.) Count Nine is SEPH's claim for an inspection and accounting of records and payments by and among Bama Bayou, LLC ("Bama Bayou"), Marine Park, LLC ("Marine Park"), and the guarantors of the loans to those entities. There is no opposition to SEPH's Motion to Dismiss Count Nine. Count Nine is hereby DISMISSED.

3. SEPH has moved the Court to dismiss Counts Ten and Eleven of its Third Amended Complaint pursuant to Rule 41(a)(2) of the Alabama rules of Civil Procedure. Counts Ten and Eleven are claims for fraud and promissory fraud. SEPH's Motion to Dismiss these claims is due to be granted. Counts Ten and Eleven are hereby DISMISSED.

4. SEPH has moved to dismiss or, in the alternative, for summary judgment as to Count 5 of Bank of Franklin's "Third Amendment Claims by Bank of Franklin Against SEPH

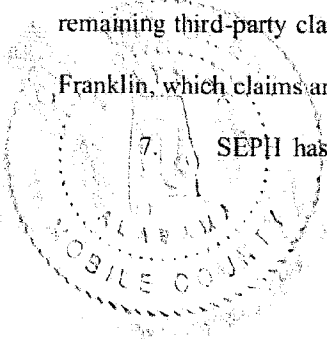


and Bama Bayou, LLC" (Bank of Franklin's "Third Amended Claims"). (Doc. 2474.) Due to this Court's August 31, 2018 Order (Doc. 2272) ruling "against the Borrowers and Guarantors on their claims for attorneys' fees and expenses," Bank of Franklin does not object to the dismissal of Count 5 of its Third Amended Claims against SEPH and Bama Bayou. Count 5 is hereby DISMISSED WITHOUT PREJUDICE.

5. Park is a third-party defendant in this case, having been named as a defendant in the Defendants' Fourth Amended Counterclaims (Doc. 931).² Following previous rulings by the Court, only Count Three, a claim by certain guarantors pursuant to the Equal Credit Opportunity Act ("ECOA" and the "ECOA claimants"), remains outstanding against Park. Park has moved for summary judgment as to all remaining third-party claims asserted against it. (Doc. 2391.) There is no genuine issue as to any material fact, and Park is entitled to judgment as a matter of law. Therefore, Summary judgment is hereby GRANTED in favor of Park as to all remaining third-party claims asserted against Park.

6. SEPH has moved for summary judgment in its favor as to the remaining counterclaims asserted against it. (Doc. 2388.) Following previous rulings by the Court, only Count Three, the ECOA claim brought by the ECOA claimants, remains outstanding against SEPH. There is no genuine issue as to any material fact, and SEPH is entitled to judgment as a matter of law. Therefore, summary judgment is hereby GRANTED in favor of SEPH as to all remaining counterclaims asserted against SEPH. Summary judgment is also GRANTED in favor of Cadence Bank, West Alabama Bank & Trust, and the Bank of Franklin as to any remaining third-party claims asserted against them (other than claims by SEPH against Bank of Franklin, which claims are severed by this Order).

7. SEPH has also moved for partial summary judgment in its favor on Counts 1



through 6 of SEPH's Third Amended Complaint. (Doc. 2388.) Counts One through Six consist of SEPH's claims for breach of contract against Bama Bayou and the guarantors of the loans to Bama Bayou (the "Bama Bayou Guarantors"). There is no genuine issue as to any material fact of Counts One through Six, and SEPH is entitled to judgment as a matter of law. Therefore, summary judgment is hereby GRANTED in favor of SEPH and against Bama Bayou and the Bama Bayou Guarantors as to Counts 1 through 6 of SEPH's Third Amended Complaint (including as to all affirmative defenses and other defenses asserted by Bama Bayou and the Bama Bayou Guarantors).

8. Judgment is entered on Counts 1 through 6 of SEPH's Third Amended Complaint in favor of SEPH and against Bama Bayou and the Bama Bayou Guarantors on the "West Note" dated March 24, 2005 and the guaranties thereof, the "East Note" dated June 12, 2006 and the guaranties thereof, and the "North Note" dated September 27, 2007 and the guaranties thereof.³

9. Judgment is entered in favor of SEPH and against Bama Bayou in the following specified amounts:

Bama Bayou

- i. West Note: \$6,000,000.00 in principal and \$1,866,444.69 in interest;
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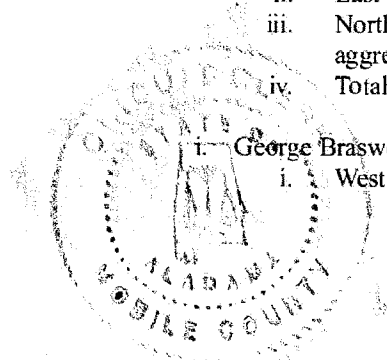
10. Judgment is entered in favor of SEPH and against the Bama Bayou Guarantors in the following specified amounts:

a. The Mitchell Company

- i. West Note: \$3,000,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$2,500,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$3,750,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$14,544,347.80.

b. Frances Saint, in her capacity as Personal Representative of the Estate of John B. Saint

- i. West Note: \$2,250,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$1,875,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$1,875,000.00 in principal and \$1,513,596.31 in interest;
 - iv. Total: \$11,294,347.80.
- c. Chester J. Stefan
 - i. West Note: \$1,125,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$937,500.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$937,500.00 in principal and \$1,513,596.31 in interest;
 - iv. Total: \$8,294,347.80.
- d. Donald P. Kelly, Jr.
 - i. West Note: \$1,125,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$937,500.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$937,500.00 in principal and \$1,513,596.31 in interest;
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- e. Gulf World, LLC
 - i. West Note: \$3,000,000.00 in principal and \$1,866,444.69 in interest;
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 - iv. Total: \$14,544,347.80.
- f. Scott Raley
 - i. West Note: \$780,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$700,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$700,000.00 in principal jointly and severally in the aggregate with Sue Raley and \$1,513,596.31 in interest;
 - iv. Total: \$7,474,347.80.
- g. James Branyon
 - i. West Note: \$625,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$560,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$560,000.00 in principal and \$1,513,596.31 in interest;
 - iv. Total: \$7,039,347.80.
- h. Tammy Center, as Personal Representative of the Estate of Charles Trammell (the "Charles Trammell Estate")
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Belinda Trammell and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- i. George Braswell
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;



- ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

j. Jason Dyken

- i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

k. Lester L. Boihem

- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Diane Boihem and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Diane Boihem and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Diane Boihem and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

l. Diane Boihem

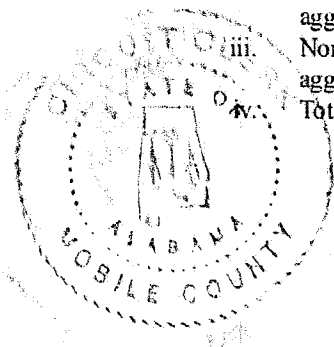
- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Lester L. Boihem and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Lester L. Boihem and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Lester L. Boihem and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

m. Carol J. Castille

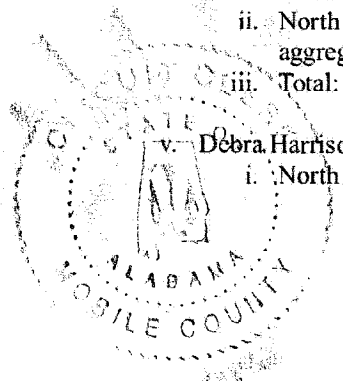
- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Stacey Castille and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Stacey Castille and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Stacey Castille and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.

n. Stacey Castille

- i. West Note: \$315,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,866,444.69 in interest;
- ii. East Note: \$280,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,914,306.80 in interest;
- iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,513,596.31 in interest;
- iv. Total: \$6,169,347.80.



- o. Sara Rebecca Bain (a/k/a Sara Rebecca Johnston)
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- p. Paul Callicoat
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Wendy Callicoat and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- q. A.B. Harrison
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - i. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - ii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Debra Harrison and \$1,513,596.31 in interest;
 - iii. Total: \$6,169,347.80.
- r. Stephen C. Lawler
 - i. West Note: \$315,000.00 in principal and \$1,866,444.69 in interest;
 - ii. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - iii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Jennifer Lawler and \$1,513,596.31 in interest;
 - iv. Total: \$6,169,347.80.
- s. Jennifer Lawler
 - i. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Stephen C. Lawler and \$1,513,596.31 in interest.
 - ii. Total: \$1,793,596.31.
- t. Sue Raley
 - i. East Note: \$700,000.00 in principal and \$1,914,306.80 in interest;
 - ii. North Note: \$700,000.00 in principal jointly and severally in the aggregate with Scott Raley and \$1,513,596.31 in interest;
 - iii. Total: \$4,827,903.11.
- u. Belinda Trammell
 - i. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
 - ii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with the Charles Trammell Estate and \$1,513,596.31 in interest;
 - iii. Total: \$3,987,903.11.
- v. Debra Harrison
 - i. North Note: \$280,000.00 in principal jointly and severally in the



aggregate with A.B. Harrison and \$1,513,596.31 in interest;
ii. Total: \$1,793,596.31.

w. Wendy Callicoat

- i. East Note: \$280,000.00 in principal and \$1,914,306.80 in interest;
- ii. North Note: \$280,000.00 in principal jointly and severally in the aggregate with Paul Callicoat and \$1,513,596.31 in interest;
- iii. Total: \$3,987,903.11

11. Each Bama Bayou Guarantor is jointly and severally liable with Bama Bayou and each other Bama Bayou Guarantor up to the specified principal amount owed by the Bama Bayou Guarantor under each Note. Each Bama Bayou Guarantor is jointly and severally liable with Bama Bayou and each other Bama Bayou Guarantor as to all interest owed under each Note.

12. Pursuant to the contracts and Ala. Code § 8-8-10, post-judgment interest shall accrue on the judgment amounts owed under the West Note and the guaranties thereof at the rate of 6.5% per annum, and post-judgment interest shall accrue on the judgment amounts owed under the East Note and the North Note, as well as the guaranties of the East Note and the North Note, at the rate of 8.0% per annum. Bama Bayou and the Bama Bayou Guarantors are jointly and severally liable for all post-judgment interest that accrues on the Notes they guaranteed.

13. Costs are taxed as paid.

14. In accordance with this Order and the other Orders entered by this Court on this date, all claims, counterclaims, cross-claims, third-party claims, affirmative defenses, and other types of claims and defenses in this case have been either severed or fully and finally adjudicated. Therefore, this is a final judgment from which an appeal lies.

DONE this 20th day of November, 2019.

CERTIFIED AS A TRUE COPY

This 20th Day of Nov, 2019
[Signature]
Jolo Schwarzaue
Clerk, Circuit Court of Mobile County, Alabama

/s/ JILL PARRISH PHILLIPS
CIRCUIT JUDGE

DOCUMENT 4145



ELECTRONICALLY FILED
3/2/2020 10:18 AM
02-CV-2009-900085.00
CIRCUIT COURT OF
MOBILE COUNTY, ALABAMA
JOJO SCHWARZAUER, CLERK

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

VISION BANK/ SE PROPERTY)	
HOLDINGS LLC,)	
Plaintiff,)	
V.)	Case No.: CV-2009-900085.00
)	
BAMA BAYOU LLC AN ALABAMA)	
LIMITED LIABILITY CO FKA,)	
MITCHELL COMPANY INC AN)	
ALABAMA CORPORATION,)	
SAINT FRANCES J PERSONAL REP)	
OF THE ESTATE OF,)	
STEFAN CHESTER J ET AL,)	
Defendants.)	

order

WHEREAS, this matter having come on for consideration upon Plaintiff SE Property Holdings, LLC's Application for a Charging Order pursuant to §10A-5-6.05, *Ala. Code* (1975), with respect to the financial interests of Defendant The Mitchell Company, Inc. in its limited liability companies of Airport and Cody LLC, Bentley Oaks LLC, Calera Crossings, LLC, Cambridge Apartments, LLC, H & M, LLC, Hidden Lake, LLC, Holiday Isle, LLC, Hope VI Family, LLC, Huntington Park, LLC, Mitchell Montgomery I, LLC, Mitchell Riverwalk, LLC, Pinnacle, LLC, The Legg-Mitchell Group, LLC, The Southern Group I, LLC, The Southern Group II, LLC, West Park, LLC (the "Companies"), and good cause appearing, it is

ORDERED that a lien is charged against the financial interests of The Mitchell Company, Inc. in the Companies in the amount of \$6,169,347.80, being the unsatisfied

judgment of November 20, 2019, plus accrued interest thereon and costs, and the Company is ORDERED to distribute to Plaintiff any income, bonuses, distributions, salaries or dividends paid or otherwise conveyed to The Mitchell Company, Inc. by reason of any transferable interest it owns in the Companies until Plaintiff's judgment is satisfied in full.

Payments are to be directed as follows:

c/o Gilbert L. Fontenot
Attorney for SE Property Holdings, LLC
P.O. Box 1281
Mobile, AL 36633

DONE this 2nd day of March, 2020.

/s/ JILL PARRISH PHILLIPS
CIRCUIT JUDGE

STATE OF ALABAMA
COUNTY OF MOBILE

I, Jo Jo Schwarzauner, Clerk of the Circuit Court of Mobile County, Alabama, do hereby certify that the foregoing 2 page(s) constitute(s) a full, true and accurate copy of the record rendered in this cause, as the same remains of record in my office.

WITNESS MY HAND AND SEAL this 5th day of March 2020

Jo Jo Schwarzauner
Clerk of the Circuit Court of
Mobile County, Alabama

WARNING

THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION ON May 7, 2025, UNLESS THE TAXES ARE PAID. SHOULD YOU NEED FURTHER INFORMATION CONTACT THE CLERK OF THE CIRCUIT COURT IMMEDIATELY AT 850-595-3793.

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That AR 401K PLAN & TRUST holder of Tax Certificate No. 04628, issued the 1st day of June, A.D., 2022 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:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 095070506 (0525-73)

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

MITCHELL COMPANY INC ALABAMA CORPORATION

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** Wednesday in the month of May, which is the **7th day of May 2025**.

Dated this 17th day of March 2025.

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

IF THE PROPERTY PROCEEDS TO SALE, YOU WILL RECEIVE NOTICE FROM US REGARDING SURPLUS FUNDS. YOU MAY CLAIM THE FUNDS DIRECTLY FROM OUR OFFICE, FREE OF CHARGE. PAYING A FEE FROM THE SURPLUS FOR ASSISTANCE FROM A THIRD PARTY IS NOT REQUIRED.

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Dated this 17th day of March 2025.

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Post Property:

DOG TRACK RD 32506



PAM CHILDERS
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY, FLORIDA

By:
Emily Hogg
Deputy Clerk

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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.

Personal Services:

MITCHELL COMPANY INC ALABAMA CORPORATION
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

PAM CHILDERS
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY, FLORIDA



By:
Emily Hogg
Deputy Clerk

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ESCAMBIA COUNTY SHERIFF'S OFFICE
ESCAMBIA COUNTY, FLORIDA

NON-ENFORCEABLE RETURN OF SERVICE

0525.73

Document Number: ECSO25CIV009995NON

Agency Number: 25-004767

Court: TAX DEED

County: ESCAMBIA

Case Number: CERT NO 04628 2022

Attorney/Agent:

PAM CHILDERS
CLERK OF COURT
TAX DEED

Plaintiff: RE MITCHELL COMPANY INC ALABAMA CORPORATION

Defendant:

Type of Process: NOTICE OF APPLICATION FOR TAX DEED

Received this Writ on 3/21/2025 at 9:17 AM and served same at 3:57 PM on 3/21/2025 in ESCAMBIA COUNTY, FLORIDA, by serving POST PROPERTY , the within named, to wit: , .

POSTED TO PROPERTY PER CLERKS OFFICE INSTRUCTIONS.

CHIP W SIMMONS, SHERIFF
ESCAMBIA COUNTY, FLORIDA

By: _____

D Nelson 923

D. NELSON, CPS

Service Fee: \$40.00

Receipt No: BILL

Printed By: MRM

WARNING

THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION ON May 7, 2025, UNLESS THE TAXES ARE PAID. SHOULD YOU NEED FURTHER INFORMATION CONTACT THE CLERK OF THE CIRCUIT COURT IMMEDIATELY AT 850-595-3793.

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That **AR 401K PLAN & TRUST** holder of **Tax Certificate No. 04628**, issued the **1st** day of **June, A.D., 2022** 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:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 095070506 (0525-73)

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

MITCHELL COMPANY INC ALABAMA CORPORATION

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** Wednesday in the month of May, which is the **7th day of May 2025**.

Dated this 17th day of March 2025.

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.

Post Property:

DOG TRACK RD 32506



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

By:
Emily Hogg
Deputy Clerk

IF THE PROPERTY PROCEEDS TO SALE, YOU WILL RECEIVE NOTICE FROM US REGARDING SURPLUS FUNDS. YOU MAY CLAIM THE FUNDS DIRECTLY FROM OUR OFFICE, FREE OF CHARGE. PAYING A FEE FROM THE SURPLUS FOR ASSISTANCE FROM A THIRD PARTY IS NOT REQUIRED.

Map
attached

ESCAMBIA COUNTY, FL
CLERK'S OFFICE
MAR 21 11:09 AM
11-6-18 12:00 PM



ESCAMBIA COUNTY SHERIFF'S OFFICE
ESCAMBIA COUNTY, FLORIDA

NON-ENFORCEABLE RETURN OF SERVICE 0525-73

Document Number: ECSO25CIV009987NON

Agency Number: 25-004818

Court: TAX DEED

County: ESCAMBIA

Case Number: CERT# 04628 2022

Attorney/Agent:

PAM CHILDERS
CLERK OF COURT
TAX DEED

Plaintiff: RE: MITCHELL COMPANY INC ALABAMA CORPORATION

Defendant:

Type of Process: NOTICE OF APPLICATION FOR TAX DEED

Received this Writ on 3/21/2025 at 9:21 AM and served same at 10:55 AM on 3/27/2025 in ESCAMBIA COUNTY, FLORIDA, by serving MITCHELL COMPANY INC ALABAMA CORPORATION , the within named, to wit: DONNA OSWALD-SPENCER, OFFICE MANAGER.

CHIP W SIMMONS, SHERIFF
ESCAMBIA COUNTY, FLORIDA

By: _____

29m6915

T. ANTHONY, CPS

Service Fee: \$40.00

Receipt No: BILL

Printed By: LSTRAVIS

WARNING

THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION ON May 7, 2025, UNLESS THE TAXES ARE PAID. SHOULD YOU NEED FURTHER INFORMATION CONTACT THE CLERK OF THE CIRCUIT COURT IMMEDIATELY AT 850-595-3793.

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That **AR 401K PLAN & TRUST** holder of **Tax Certificate No. 04628**, issued the **1st** day of **June, A.D., 2022** 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:

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SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 095070506 (0525-73)

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Dated this 17th day of March 2025.

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.

Personal Services:

MITCHELL COMPANY INC ALABAMA CORPORATION
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

PAM CHILDERS
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY, FLORIDA



By:
Emily Hogg
Deputy Clerk

ESCAMBIA COUNTY FL
SHERIFF'S OFFICE
MAR 21 AM 9:21

IF THE PROPERTY PROCEEDS TO SALE, YOU WILL RECEIVE NOTICE FROM US REGARDING SURPLUS FUNDS. YOU MAY CLAIM THE FUNDS DIRECTLY FROM OUR OFFICE, FREE OF CHARGE. PAYING A FEE FROM THE SURPLUS FOR ASSISTANCE FROM A THIRD PARTY IS NOT REQUIRED.

MITCHELL COMPANY INC ALABAMA
CORPORATION [0525-73]
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

9171 9690 0935 0127 2424 34

DEEP SOUTH CRANE RENTALS INC
[0525-73]
6949 MOBILE HWY
PENSACOLA, FL 32526

9171 9690 0935 0127 2424 10

SE PROPERTY HOLDINGS, LLC
[0525-73]
C/O GILBERT L FONTENOT
PO BOX 1281
MOBILE, AL 36633

9171 9690 0935 0127 2422 98

COOK CONSTRUCTION CO, INC. OF
SOUTH FLORIDA [0525-73]
4206 NATIONAL GUARD DR
PLANT CITY FL 33563

9171 9690 0935 0127 2423 11

MITCHELL COMPANY INC [0525-73]
3298 SUMMIT BLVD ST 18
PENSACOLA, FL 32503

9171 9690 0935 0127 2424 27

BANK OF AMERICA, NA [0525-73]
C/O ROBERT E UNELL
PEACHTREE ST., 6TH FLOOR
ATLANTA, GA 30308

9171 9690 0935 0127 2422 81

MITCHELL COMPANY [0525-73]
41 W, 1-65 N SUITE 300
MOBILE, AL 36608

9171 9690 0935 0127 2423 04

SE PROPERTY HOLDINGS LLC
[0525-73]
51 N THIRD ST
NEWARD OH 43055

9171 9690 0935 0127 2423 28

Business Served

335832580301
32509-46501

CERTIFIED MAIL™

Pam Childers

Clerk of the Circuit Court & Comptroller

Official Records

221 Palafox Place, Suite 110

Pensacola, FL 32502



9171 9690 0935 0127 2424 10

PENSACOLA FL 325

20 MAR 2025 PM 1:21



quadiant

FIRST-CLASS MAIL
IMI

\$008.16⁰

03/20/2025 ZIP 32502
043M31219251

US POSTAGE

DEEP SOUTH CRANE RENTALS INC

[0525-73]

6949 MOBILE HWY

PENSACOLA, FL 32526

M

11Q

NIXIE

326 DE 1

0005/02/25

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

32526-001948

BC: 32502583335

*2638-00741-21-35





Escambia Sun Press

PUBLISHED WEEKLY SINCE 1948
(Warrington) Pensacola, Escambia County, Florida

STATE OF FLORIDA

County of Escambia

Before the undersigned authority personally appeared Michael P. Driver who is personally known to me and who on oath says that he is Publisher of The Escambia Sun Press, a weekly newspaper published at (Warrington) Pensacola in Escambia County, Florida; that the attached copy of advertisement, being a

NOTICE in the matter of TAX DEED SALE

DATE – 05-07-2025 – TAX CERTIFICATE #'S 04628

in the CIRCUIT Court

was published in said newspaper in the issues of

MARCH 27 & APRIL 3, 10, 17, 2025

Affiant further says that the said Escambia Sun-Press is a newspaper published at (Warrington) Pensacola, in said Escambia County, Florida, and that the said newspaper has heretofore been continuously published in said Escambia County, Florida each week and has been entered as second class mail matter at the post office in Pensacola, in said Escambia and Santa Rosa Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Affiant complies with all legal requirements for publication in chapter 50, Florida Statutes.

Digitally signed by Michael P Driver
DN: c=US, o=The Escambia Sun Press LLC,
dnQualifier=A01410D0000019093B5D40A000E97D9, cn=Michael P Driver
Date: 2025.04.17 10:00:50 -05'00'

PUBLISHER

Sworn to and subscribed before me this 17TH day of APRIL
A.D., 2025

Digitally signed by Heather Tuttle
DN: c=US, o=The Escambia Sun Press LLC,
dnQualifier=A01410D000001890CD5793600064AAE, cn=Heather Tuttle
Date: 2025.04.17 10:00:42 -05'00'

**HEATHER TUTTLE
NOTARY PUBLIC**



HEATHER TUTTLE
Notary Public, State of Florida
My Comm. Expires June 24, 2028
Commission No. HH 535214

Page 1 of 1

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That AR 401K PLAN & TRUST holder of Tax Certificate No. 04628, issued the 1st day of June, A.D., 2022 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:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49 SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 095070506 (0525-73)

The assessment of the said property under the said certificate issued was in the name of MITCHELL COMPANY INC ALABAMA CORPORATION

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 Wednesday in the month of May, which is the 7th day of May 2025.

Dated this 20th day of March 2025.

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
(SEAL)
By: Emily Hogg
Deputy Clerk

oaw-4w-03-27-04-03-10-17-2025



Scott Lunsford, CFC • Escambia County Tax Collector

EscambiaTaxCollector.com

facebook.com/ECTaxCollector

twitter.com/escambiatc

2024

REAL ESTATE

TAXES



Notice of Ad Valorem and Non-Ad Valorem Assessments

SCAN TO PAY ONLINE

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
09-5070-506	06		332S312600040010

MITCHELL COMPANY INC
ALABAMA CORPORATION
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

PROPERTY ADDRESS:
DOG TRACK RD

EXEMPTIONS:

PRIOR YEAR(S) TAXES OUTSTANDING

22/4628

AD VALOREM TAXES						
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED	
COUNTY	6.6165	7,320	0	7,320	48.43	
PUBLIC SCHOOLS						
BY LOCAL BOARD	1.7520	7,320	0	7,320	12.82	
BY STATE LAW	3.0950	7,320	0	7,320	22.66	
WATER MANAGEMENT	0.0218	7,320	0	7,320	0.16	
SHERIFF	0.6850	7,320	0	7,320	5.01	
M.S.T.U. LIBRARY	0.3590	7,320	0	7,320	2.63	
ESCAMBIA CHILDRENS TRUST	0.4043	7,320	0	7,320	2.96	
TOTAL MILLAGE					12.9336	
AD VALOREM TAXES					\$94.67	
LEGAL DESCRIPTION		NON-AD VALOREM ASSESSMENTS				
LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON See Additional Legal on Tax Roll		TAXING AUTHORITY		RATE	AMOUNT	
		FP FIRE PROTECTION			15.09	
		NON-AD VALOREM ASSESSMENTS				\$15.09
Pay online at EscambiaTaxCollector.com				COMBINED TAXES AND ASSESSMENTS		
Payments must be in U.S. funds drawn from a U.S. bank				\$109.76		
If Received By Please Pay	Apr 30, 2025 \$113.05	May 30, 2025 \$148.05				

RETAIN FOR YOUR RECORDS

2024 REAL ESTATE TAXES

DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT

Make checks payable to:

Scott Lunsford, CFC
Escambia County Tax Collector
P.O. BOX 1312
PENSACOLA, FL 32591

Pay online at EscambiaTaxCollector.com

PRIOR YEAR(S) TAXES
OUTSTANDING

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT

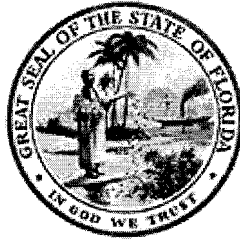
AMOUNT IF PAID BY	Apr 30, 2025 113.05
AMOUNT IF PAID BY	May 30, 2025 148.05
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	

DO NOT FOLD, STAPLE, OR MUTILATE

ACCOUNT NUMBER
09-5070-506
PROPERTY ADDRESS
DOG TRACK RD

MITCHELL COMPANY INC
ALABAMA CORPORATION
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

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



BRANCH OFFICES
ARCHIVES AND RECORDS
JUVENILE DIVISION
CENTURY

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

COUNTY OF ESCAMBIA
OFFICE OF THE
CLERK OF THE CIRCUIT COURT

PAM CHILDERS, CLERK OF THE CIRCUIT COURT
High Bid Tax Deed Sale

Cert # 004628 of 2022 Date 5/7/2025
Name JON NELSON

Cash Summary

Cash Deposit	\$920.00
Total Check	\$17,651.30
Grand Total	\$18,571.30

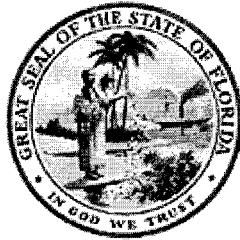
Purchase Price (high bid amount)	\$18,400.00	Total Check	\$17,651.30
+ adv recording deed	\$10.00	Adv Recording Deed	\$10.00
+ adv doc. stamps deed	\$128.80	Adv Doc. Stamps	\$128.80
+ Adv Recording For Mailing	\$18.50		
Opening Bid Amount	\$9,998.87	Postage	\$65.60
		Researcher Copies	\$0.00
- postage	\$65.60		
- Researcher Copies	\$0.00		
		Adv Recording Mail Cert	\$18.50
- Homestead Exempt	\$0.00		
		Clerk's Prep Fee	\$14.00
=Registry of Court	\$9,933.27	Registry of Court	\$9,933.27
Purchase Price (high bid)	\$18,400.00		
-Registry of Court	\$9,933.27	Overbid Amount	\$8,401.13
-advance recording (for mail certificate)	\$18.50		
-postage	\$65.60		
-Researcher Copies	\$0.00		
= Overbid Amount	\$8,401.13		

PAM CHILDERS
 Clerk of the Circuit Court

By: 
 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
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 OPERATIONAL SERVICES
 PROBATE
 TRAFFIC



BRANCH OFFICES
ARCHIVES AND RECORDS
JUVENILE DIVISION
CENTURY

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


COUNTY OF ESCAMBIA
OFFICE OF THE
CLERK OF THE CIRCUIT COURT

Case # 2022 TD 004628

Sold Date 5/7/2025

Name JON NELSON

RegistryOfCourtT = TAXDEED	\$9,933.27
overbidamount = TAXDEED	\$8,401.13
PostageT = TD2	\$65.60
Researcher Copies = TD6	\$0.00
prepFee = TD4	\$14.00
advdocstampsdeed = TAXDEED	\$128.80
advancerecording = TAXDEED	\$18.50
AdvRecordingDeedT = TAXDEED	\$10.00

Date	Docket	Desc	 VIEW IMAGES
6/1/2022	0101	CASE FILED 06/01/2022 CASE NUMBER 2022 TD 046928	
8/12/2024	RECEIPT	PAYMENT \$456.00 RECEIPT #2024058637	
8/12/2024	TD83	TAX COLLECTOR CERTIFICATION	
8/12/2024	TD84	PA'S INFO	
8/12/2024	TD84	NOTICE OF TDA	
1/31/2025	TD82	PROPERTY INFORMATION REPORT	
3/21/2025	TD81	CERTIFICATE OF MAILING	
3/28/2025	TD84	SHERIFF RETURN OF SERVICE	
4/10/2025	TD84	CERT MAIL TRACKING	
4/22/2025	TD84	PROOF OF PUBLICATION	
4/24/2025	TD84	2024 TAX BILL	
4/25/2025	CheckVoided	CHECK (CHECKID 141718) VOIDED: ESCAMBIA SUN PRESS LLC 605 S OLD CORRY FIELD RD PENSACOLA, FL 32507	
4/25/2025	CheckMailed	CHECK PRINTED: CHECK # 900038647 - - REGISTRY CHECK	

FEES

EffectiveDate	FeeCode	FeeDesc	TotalFee	AmountPaid	WaivedAmount	AmountOutstanding
8/12/2024 2:42:03 PM	RECORD2	RECORD FEE FIRST PAGE	10.00	10.00	0.00	0.00
8/12/2024 2:42:04 PM	TAXDEED	TAX DEED CERTIFICATES	320.00	320.00	0.00	0.00

8/12/2024 2:42:02 PM	TD4	PREPARE ANY INSTRUMENT	7.00	7.00	0.00	0.00
8/12/2024 2:42:04 PM	TD7	ONLINE AUCTION FEE	59.00	59.00	0.00	0.00
8/12/2024 2:45:06 PM	TD10	TAX DEED APPLICATION	60.00	60.00	0.00	0.00
		Total	456.00	456.00	0.00	0.00

RECEIPTS

ReceiptDate	ReceiptNumber	Received_from	payment_amt	applied_amt	refunded_amt
8/12/2024 2:58:12 PM	2024058637	AR 401K PLAN & TRUST	456.00	456.00	0.00
		Total	456.00	456.00	0.00

REGISTRY

CashierDate	Type	TransactionID	TransactionName	Name	Amount	Status
4/25/2025 1:35:16 PM	Check (outgoing)	101991268	ESCAMBIA SUN PRESS LLC	605 S OLD CORRY FIELD RD	200.00	900038647 CLEARED ON 4/25/2025
8/12/2024 2:58:12 PM	Deposit	101919637	AR 401K PLAN & TRUST		320.00	Deposit
	Check (outgoing)	101996411	ESCAMBIA COUNTY SHERIFF'S OFFICE	1700 W LEONARD ST	80.00	
Deposited			Used	Balance		
320.00			9,280.00	-8,960.00		

on Results Report

Stamp for tax deed auctions are due in conjunction with the final payment due at 11:00 AM CT on the following business day after the sale.

Sale Date	Case ID	Parcel	Bllder	Winning Bid	Deposit	Auction Balance	Clerk Fee	Rec Fee	EA Fee	POPR F	Doc Stam	Total Due	Certificate Number	Name On Title	Title Address
05/07/2025	2022 TD 00462	332S31										\$17,651.30	04628	Jon Nelson	5814 crestlake dr
05/07/2025	2022 TD 00255	162S30										\$45,595.70	02551	Maksim matyunin	6522 park ave Mil
05/07/2025	2022 TD 00156	421S30										\$32,102.00	01562	Nimbalian Enterpr	225 N Pace Blvd.
05/07/2025	2020 TD 00783	024N30										\$10,569.50	07837	Nimbalian Enterpr	225 N Pace Blvd.
05/07/2025	2020 TD 00650	085N30										\$4,540.40	06582	RDZ INVESTMEN	479 US HWY 90 V
05/07/2025	2020 TD 00361	342S30										\$9,229.70	03619	Vivian Long	1010 Pennsylvani
05/07/2025	2020 TD 00359	342S30										\$11,622.20	03587	Mark Warren Fink	304 Yvonne Ave A
05/07/2025	2020 TD 00309	172S30										\$7,507.10	03092	Clear Westview Lf	1001 Avenida Picc
05/07/2025	2020 TD 00141	271S30										\$24,350.30	01416	Nimbalian Enterpr	225 N Pace Blvd.
05/07/2025	2020 TD 00130	261S30										\$14,397.50	01308	ruben averhart	8721 sailgrass dr
05/07/2025	2018 TD 00560	213S31										\$1,363.00	05607	RDZ INVESTMEN	479 US HWY 90 V
05/07/2025	2018 TD 00560	213S31										\$1,353.00	05606	P3 PROPERTY IN	20392 N 84TH W

Edit Name on Title [X]

Case Number: 2022 TD 004628
Result Date: 05/07/2025

Title Information:

Name:

Address1:

Address2:

City:

State:

Zip:

?

Page 1 of 1

View 1 - 12 of 12

TOTALS: Items Count: 12 Balance: \$178,445.00 Clerk Fees: \$0.00 Rec Fees: \$510.00 Doc Stamps: \$1,316.70 Total Due: \$180,271.70

81182

Jon Nelson

\$18,400.00

Deposit
\$920.00

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Pam Childers
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2025034425 5/13/2025 12:04 PM
OFF REC BK: 9316 PG: 771 Doc Type: COM
Recording \$18.50

CERTIFICATE OF NOTICE OF MAILING
NOTICE OF APPLICATION FOR TAX DEED

CERTIFICATE # 04628 of 2022

I, PAM CHILDERS, CLERK OF THE CIRCUIT COURT OF ESCAMBIA COUNTY, FLORIDA, do hereby certify that I did on March 20, 2025, mail a copy of the foregoing Notice of Application for Tax Deed, addressed to:

MITCHELL COMPANY INC ALABAMA CORPORATION MITCHELL COMPANY INC
6706 PLANTATION RD STE B 3298 SUMMIT BLVD ST 18
PENSACOLA, FL 32504 PENSACOLA, FL 32503

DEEP SOUTH CRANE RENTALS INC BANK OF AMERICA, NA
6949 MOBILE HWY C/O ROBERT E UNELL
PENSACOLA, FL 32526 PEACHTREE ST., 6TH FLOOR
ATLANTA, GA 30308

SE PROPERTY HOLDINGS, LLC MITCHELL COMPANY
C/O GILBERT L FONTENOT 41 W, 1-65 N SUITE 300
PO BOX 1281 MOBILE, AL 36608
MOBILE, AL 36633

COOK CONSTRUCTION CO, INC. OF SOUTH FLORIDA SE PROPERTY HOLDINGS LLC
4206 NATIONAL GUARD DR 51 N THIRD ST
PLANT CITY FL 33563 NEWARD OH 43055

WITNESS my official seal this 20th day of March 2025.



PAM CHILDERS
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY, FLORIDA

By:
Emily Hogg
Deputy Clerk



Escambia Sun Press

PUBLISHED WEEKLY SINCE 1948
(Warrington) Pensacola, Escambia County, Florida

STATE OF FLORIDA

County of Escambia

Before the undersigned authority personally appeared Michael P. Driver who is personally known to me and who on oath says that he is Publisher of The Escambia Sun Press, a weekly newspaper published at (Warrington) Pensacola in Escambia County, Florida; that the attached copy of advertisement, being a

NOTICE in the matter of TAX DEED SALE

DATE - 05-07-2025 - TAX CERTIFICATE #'S 04628

in the CIRCUIT Court
was published in said newspaper in the issues of

MARCH 27 & APRIL 3, 10, 17, 2025

Affiant further says that the said Escambia Sun-Press is a newspaper published at (Warrington) Pensacola, in said Escambia County, Florida, and that the said newspaper has heretofore been continuously published in said Escambia County, Florida each week and has been entered as second class mail matter at the post office in Pensacola, in said Escambia and Santa Rosa Counties, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Affiant complies with all legal requirements for publication in chapter 50, Florida Statutes.

Digitally signed by Michael P Driver
DN: c=US, o=The Escambia Sun Press LLC,
dnQualifier=A01410D0000019093B5D40A000E97D9, cn=Michael P Driver
Date: 2025.04.17 10:00:50 -05'00'

PUBLISHER

Sworn to and subscribed before me this 17TH day of APRIL
A.D., 2025

Digitally signed by Heather Tuttle
DN: c=US, o=The Escambia Sun Press LLC,
dnQualifier=A01410D000001890CD5793600064AAE, cn=Heather Tuttle
Date: 2025.04.17 10:05:42 -05'00'

HEATHER TUTTLE
NOTARY PUBLIC



HEATHER TUTTLE
Notary Public, State of Florida
My Comm. Expires June 24, 2028
Commission No. HH 535214

Page 1 of 1

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, That AR 401K PLAN & TRUST holder of Tax Certificate No. 04628, issued the 1st day of June, A.D., 2022 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:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49 SECTION 33, TOWNSHIP 2 S, RANGE 31 W

TAX ACCOUNT NUMBER 095070506 (0525-793)

The assessment of the said property under the said certificate issued was in the name of MITCHELL COMPANY INC ALABAMA CORPORATION

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 Wednesday in the month of May, which is the 7th day of May 2025.

Dated this 20th day of March 2025.

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
(SEAL)

By: Emily Hogg
Deputy Clerk

oaw-4w-03-27-04-03-10-17-2025

Pam Childers
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2025034426 5/13/2025 12:04 PM
OFF REC BK: 9316 PG: 773 Doc Type: TXD
Recording \$10.00 Deed Stamps \$128.80

Tax deed file number 0525-73

Parcel ID number 332S312600040010

TAX DEED

Escambia County, Florida

for official use only

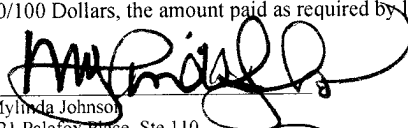
Tax Certificate numbered 04628 issued on June 1, 2022 was filed in the office of the tax collector of Escambia County, Florida. An application has been made for the issuance of a tax deed. The applicant has paid or redeemed all other taxes or tax certificates on the land as required by law. The notice of sale, including the cost and expenses of this sale, has been published as required by law. No person entitled to do so has appeared to redeem the land. On the 7th day of May 2025, the land was offered for sale. It was sold to **Jon Nelson**, 5814 Crestlake Dr Crestview FL 32536, who was the highest bidder and has paid the sum of the bid as required by law.

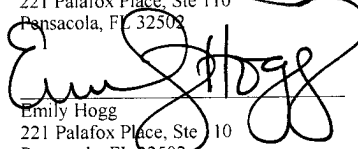
The lands described below, including any inherited property, buildings, fixtures, and improvements of any kind and description, situated in this County and State.

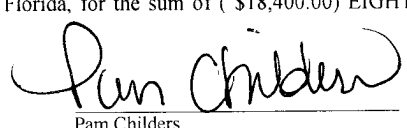
Description of lands: LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49 SECTION 33, TOWNSHIP 2 S, RANGE 31 W

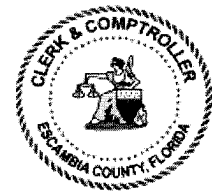
**** Property previously assessed to: MITCHELL COMPANY INC ALABAMA CORPORATION**

On 7th day of May 2025, in Escambia County, Florida, for the sum of (\$18,400.00) EIGHTEEN THOUSAND FOUR HUNDRED AND 00/100 Dollars, the amount paid as required by law.


Mylinda Johnson
221 Palafox Place, Ste 110
Pensacola, FL 32509

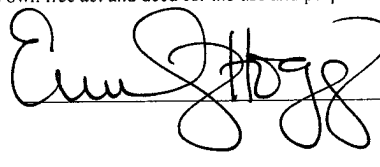

Emily Hogg
221 Palafox Place, Ste 110
Pensacola, FL 32509


Pam Childers,
Clerk of Court and Comptroller
Escambia County, Florida



On this 7th day of May, 2025, before me personally appeared Pam Childers
Clerk of Court and Comptroller in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid





Emily Hogg
Comm.: HH 373864
Expires: March 15, 2027
Notary Public - State of Florida

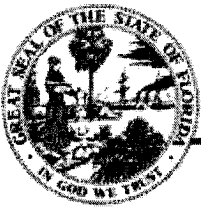
Tax Certificate #	2022 TD 004628
Account #	095070506
Property Owner	Mitchell Company Inc
Property Address	Dog Track Rd 32506
SOLD TO:	Jon Nelson \$18,400.00

Disbursed to/for:	Amount Pd:	Registry Balance:
Recording Fees (from TXD receipt)	\$ 157.30 ✓	\$
Clerk Registry Fee (fee due clerk tab) Fee Code: OR860	\$ 143.52 ✓	\$
Tax Collector Fee (from redeem screen)	\$ 6.25 ✓	\$
Certificate holder/taxes & app fees	\$ 9,718.97 ✓	\$
Refund High Bidder unused sheriff fees	\$ 40.00 ✓	\$
Additional taxes 2024	\$ 148.05 ✓	\$ 8,257.61
Postage final notices	\$ 45.60 ✓	\$ 8,192.01
	\$	\$
	\$	\$
	\$	\$

BALANCE IN TAX DEEDS SHOULD MATCH BALANCE IN BENCHMARK!!!!!!!!!!!!!!

Lien Information:	
	Due \$
	Paid \$
	Due \$
	Paid \$
	Due \$
	Paid \$
	Due \$
	Paid \$
	Due \$
	Paid \$
	Due \$
	Paid \$
	Due \$
	Paid \$
	Due \$
	Paid \$

Post sale process:	Notes:
Tax Deed Results Report to Tax Collector	✓
Print Deed/Send to Admin for signature	✓
Request check for recording fees/doc stamps	✓
Request check for Clerk Registry fee/fee due clerk	✓
Request check for Tax Collector fee (\$6.25 etc)	✓
Request check for certificate holder refund/taxes & app fees	✓
Request check for any unused sheriff fees to high bidder	✓
Determine government liens of record/ amounts due	✓
Print Final notices to all lienholders/owners	✓
Request check for postage fees for final notices	✓
Record Tax Deed/Certificate of Mailing	✓
Copy of Deed for file and to Tax Collector	✓



Pam Childers

Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

BANK OF AMERICA, NA
C/O ROBERT E UNELL
PEACHTREE ST., 6TH FLOOR
ATLANTA, GA 30308

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

Pursuant to Chapter 197, F.S., the above property was sold at public sale on **May 7, 2025**, and a surplus of **\$8,192.01** (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes). To the extent possible, these funds will be used to satisfy any government lienholder of record before any claimant with a senior mortgage on the property and before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for payment of any portion of the surplus funds, you must file a notarized statement of claim with this office within 120 days of this notice.

If you are a lienholder, your claim must include the particulars of your lien and the amounts currently due.

THE FAILURE OF A LIENHOLDER TO FILE A CLAIM FOR SURPLUS FUNDS WITHIN 120 DAYS OF THIS NOTICE CONSTITUTES A WAIVER OF THE LIENHOLDER'S INTEREST IN THE SURPLUS FUNDS AND ALL CLAIMS THERETO ARE FOREVER BARRED.

If your claim has been satisfied, released, or you are waiving your claim, please check the "No claim will be filed" box on the enclosed claim form and return it to our office so that any other liens can be considered.

Dated this 14th day of May 2025.

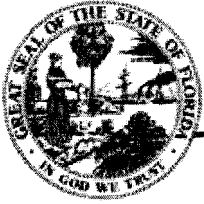


ESCAMBIA COUNTY CLERK OF COURT

By: 
Deputy Clerk

Tax Deeds • 221 Palafox Place • Suite 110 • Pensacola, FL 32502 • (850) 595-3793

9171 9690 0935 0128 1812 44



Pam Childers

Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

COOK CONSTRUCTION CO, INC. OF SOUTH FLORIDA
4206 NATIONAL GUARD DR
PLANT CITY FL 33563

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

Pursuant to Chapter 197, F.S., the above property was sold at public sale on **May 7, 2025**, and a surplus of **\$8,192.01** (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes). To the extent possible, these funds will be used to satisfy any government lienholder of record before any claimant with a senior mortgage on the property and before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for payment of any portion of the surplus funds, you must file a notarized statement of claim with this office within 120 days of this notice.

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ESCAMBIA COUNTY CLERK OF COURT

By: 
Deputy Clerk

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9171 9690 0935 0128 1812 68



Pam Childers

Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

DEEP SOUTH CRANE RENTALS INC
6949 MOBILE HWY
PENSACOLA, FL 32526

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

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ESCAMBIA COUNTY CLERK OF COURT

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Pam Childers

Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

MITCHELL COMPANY
41 W, I-65 N SUITE 300
MOBILE, AL 36608

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

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ESCAMBIA COUNTY CLERK OF COURT

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Pam Childers

Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

MITCHELL COMPANY INC
3298 SUMMIT BLVD ST 18
PENSACOLA, FL 32503

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

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Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

MITCHELL COMPANY INC ALABAMA CORPORATION
6706 PLANTATION RD STE B
PENSACOLA, FL 32504

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

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ESCAMBIA COUNTY CLERK OF COURT

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Deputy Clerk

Tax Deeds • 221 Palafox Place • Suite 110 • Pensacola, FL 32502 • (850) 595-3793

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Pam Childers

Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

SE PROPERTY HOLDINGS LLC
51 N THIRD ST
NEWARD OH 43055

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49

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ESCAMBIA COUNTY CLERK OF COURT

By: _____
Deputy Clerk

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Clerk of the Circuit Court and Comptroller, Escambia County

Clerk of Courts • County Comptroller • Clerk of the Board of County Commissioners • Recorder •

NOTICE OF SURPLUS FUNDS FROM TAX DEED SALE CLERK OF THE CIRCUIT COURT

SE PROPERTY HOLDINGS, LLC
C/O GILBERT L FONTENOT
PO BOX 1281
MOBILE, AL 36633

Tax Deed File # 0525-73
Certificate # 04628 of 2022
Account # 095070506

Property legal description:

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ESCAMBIA COUNTY CLERK OF COURT

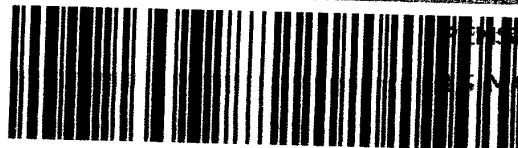
By: 
Deputy Clerk

Tax Deeds • 221 Palafox Place • Suite 110 • Pensacola, FL 32502 • (850) 595-3793

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Pam Childers
Clerk of the Circuit Court & Comptrol
Official Records
221 Palafox Place, Suite 110
Pensacola, FL 32502



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PENSACOLA, FL

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--- FUND FROM TAX DEED

MITCHELL COMPANY INC
3298 SUMMIT BLVD ST 18
PENSACOLA, FL 32503

Tax Deed File # 0525-73
Certificate # 04628 of 2022

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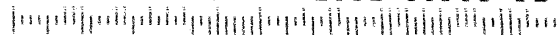
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CLAIM TO SURPLUS PROCEEDS OF A TAX DEED SALE

**Lienholder claims must be filed within 120 days of the date of the surplus notice or they are barred.

COMPLETE NOTARIZED FORM AND RETURN TO:

Escambia Clerk of the Circuit Court, Attn: Tax Deed Division, 221 Palafox Place, Ste 110, Pensacola FL 32502 or email form to:

taxdeeds@escambiaclerk.com

Clerk Contact Number: 850-595-4813

1. TAX DEED CASE INFORMATION

TAX DEED ACCOUNT NUMBER:

CERTIFICATE NUMBER:

SALE DATE:

PROPERTY ADDRESS:

**NOTE: The Clerk must pay all valid liens before distributing surplus funds to a titleholder.

I claim the surplus proceeds resulting from the above tax deed sale.

I am NOT making a claim and waive any claim I might have.

2. CLAIMANT'S INFORMATION

CLAIMANT'S NAME:

CONTACT NAME, IF APPLICABLE:

MAILING ADDRESS:

TELEPHONE NUMBER:

EMAIL ADDRESS:

MAIL CHECK TO: (if different address)

Deep South Crane Rentals Inc
Jamie Clarke
2122 W. Nine Mile Rd PMB237 Pensacola FL 32534
850.944.5810
jamie@deepsouthcranes.com

I am one of the following:

Lienholder:

Titleholder:

Other:

If claiming as a lienholder please complete Section 3.

If claiming as a titleholder please complete Section 4.

Describe other:

3. LIENHOLDER INFORMATION (Complete if claim is based on a lien against the sold property)

MORTGAGE LIEN:

COURT JUDGMENT:

CONDO/HSA LIEN:

OTHER:

Book #

Page #

Amount due:

Book #

Page #

Amount due:

Book #

Page #

Amount due:

Describe other:

Amount due:

4. TITLEHOLDER INFORMATION (Complete if claim is based on title formerly held on sold property)

NATURE OF TITLE

DEED:

PROBATE ORDER:

OTHER:

Book #

Page #

Book #

Page #

Describe other:

**I hereby swear under oath and under penalty of perjury that all of the above information is true and correct.

CLAIMANT SIGNATURE:

TO BE COMPLETED BY A NOTARY

Amount of surplus claimed: \$

PRINTED NAME:

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online

notarization this 30th day of May, 2025, by Jamie Clarke

NOTARY SIGNATURE:

PRINTED NAME:

Personally known ☒ Type of ID



Mylanda Johnson (COC)

From: Jamie Clarke <jamie@deepsouthcranes.com>
Sent: Monday, June 2, 2025 8:49 AM
To: COC TaxDeeds
Subject: [EXTERNAL]0525-73
Attachments: tax deed 0525-73.pdf

WARNING! This email originated from an outside network. **DO NOT CLICK** links or attachments unless you recognize the sender and know the content is safe.

Please see attached

*******NEW REMIT TO ADDRESS EFFECTIVE IMMEDIATELY*******
2172 W. Nine Mile Road
PMB 237
PENSACOLA FL 32534

MS. JAMIE D CLARKE
SECRETARY TREASURER
DEEP SOUTH CRANE RENTALS INC
(850) 944-5810 - OFFICE
www.deepsouthcranes.com

The information contained in this e-mail and in any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. This message has been scanned for known computer viruses.

Mylinda Johnson (COC)

To: Jamie Clarke
Cc: Emily Hogg (COC)
Subject: RE: [EXTERNAL]0525-73

Good morning,

Just to clarify, you are NOT making a claim for surplus funds?

Thanks,
Mylinda



Mylinda Johnson

Operations Supervisor
850-595-4813
mjohnson@escambiaclerk.com

Office of Pam Childers
Escambia County Clerk of the Circuit Court
& Comptroller
221 S. Palafox Street, Suite 110, Pensacola, FL 32502
www.EscambiaClerk.com

Under Florida law, written communication to or from the Escambia County Clerk's Office may be subject to public records disclosure.

From: Mylinda Johnson (COC) <MJOHNSON@escambiaclerk.com>
Sent: Monday, June 2, 2025 9:24 AM
To: Jamie Clarke <jamie@deepsouthcranes.com>; COC TaxDeeds <TaxDeeds@escambiaclerk.com>
Subject: RE: [EXTERNAL]0525-73

Received, I may reach out to you for additional information.

Thanks,
Mylinda



Mylinda Johnson

Operations Supervisor
850-595-4813
mjohnson@escambiaclerk.com

Office of Pam Childers
Escambia County Clerk of the Circuit Court
& Comptroller
221 S. Palafox Street, Suite 110, Pensacola, FL 32502

www.EscambiaClerk.com

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Subject: [EXTERNAL]0525-73

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Please see attached

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PENSACOLA FL 32534

MS. JAMIE D CLARKE
SECRETARY TREASURER
DEEP SOUTH CRANE RENTALS INC
(850) 944-5810 - OFFICE
www.deepsouthcranes.com

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