

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

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Applicant Name Applicant Address Applicant Address			Application date		Aug 03, 2024			
		LETON, MA						
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			
			OIT WINNING IN GIRE		certificate issued	06/01/2022		
Part 2: Certificat	es Ov	wned by Appl	icant and	d Filed wi	th Tax Deed	Applic	ation	
Column 1 Certificate Number	:r	Column Date of Certific			olumn 3 unt of Certificate		Column 4 Interest	Column 5: Total (Column 3 + Column 4)
# 2022/4628		06/01/20	22		750.93		37.55	788.48
						•	→Part 2: Total*	788.48
Part 3: Other Cer	rtifica	ites Redeeme	d by Ap	plicant (O	ther than Co	unty)		
Column 1 Certificate Number	1 -	Column 2 Pate of Other ertificate Sale	Face A	umn 3 mount of Certificate	n 3 Column 4 Column 5			Total (Column 3 + Column 4 + Column 5)
# 2024/4853	C	06/01/2024		158.09		6.25	7.90	172.24
# 2023/4751	C	06/01/2023		733.05		6.25	164.94	904.24
# 2021/4273	C	06/01/2021		845.42		6.25	393.12	1,244.79
# 2020/5411	C	06/01/2020		1,053.40		6.25	395.03	1,454.68
# 2019/5069	C	06/01/2019		788.75		6.25	733.54	1,528.54
# 2018/5274	C	06/01/2018		793.23		6.25	892.38	1,691.86
	•	· · ·					Part 3: Total*	6,996.35
Part 4: Tax Colle	ctor	Certified Am	ounts (Li	ines 1-7)				
1. Cost of all cert	ificate	s in applicant's	possessio	n and other		_	by applicant Parts 2 + 3 above)	7,784.83
2. Delinquent tax	es pai	d by the applica	nt					0.00
Current taxes paid by the applicant					0.00			
Property information report fee					200.00			
5. Tax deed appli	cation	fee						175.00
6. Interest accrued by tax collector under s.197.542, F.S. (see Tax Collector Instructions, page 2)				0.00				
7.						Tota	al Paid (Lines 1-6)	8,159.83
I certify the above in have been paid, and				•		y inform	nation report fee, ar	d tax collector's fees
D.							Escambia, Florid	a
Sign here:	4/28	ax Collector or Design				Date	August 12th, 20	24

Par	rt 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 I	here: Date of sale

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

Application Number: 2400924

To: Tax Collect	or of ESC	AMBIA COUNTY, F	lorida		
I, AR 401K PLAN 6 139 FOSTER ST LITTLETON, MA hold the listed to	01460,	nd hereby surrender the sa	me to the Tax (Collector and make tax deed application the	ereon
Account Nur	nber	Certificate No.	Date	Legal Description	
09-5070-506	3	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	
redeepay apay a	ll delinquent ar	ng tax certificates plus intend nd omitted taxes, plus intend 's fees, property information	est covering the		ınd
Attached is the which are in m		cate on which this application	on is based and	all other certificates of the same legal desc	riptior
Electronic sign AR 401K PLA 139 FOSTER LITTLETON,	N & TRUST ST			<u>08-03-2024</u> Application Date	
	Applican	t's signature		· ·pp···casion batto	

Real Estate Search

Evacuation & Flood Information Open Report **Tangible Property Search**

Sale List

<u>Back</u>

Printer Friendly Version Nav. Mode Account OParcel ID Secaral Information Assessments 332S312600040010 Parcel ID: Year Land Imprv Total Cap Val Account: 095070506 2024 \$7,320 \$7,320 \$7,320 \$7,320 Owners: MITCHELL COMPANY INC 2023 \$7,320 \$0 \$7,320 ALABAMA CORPORATION \$46,360 2022 \$46,360 \$0 \$46,360 6706 PLANTATION RD STE B Mail: PENSACOLA, FL 32504 Disclaimer Situs: DOG TRACK RD 32506 Use Code: VACANT RESIDENTIAL D **Tax Estimator** Taxing **COUNTY MSTU** File for Exemption(s) Online Authority: Tax Inquiry: Open Tax Inquiry Window **Report Storm Damage** Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector 2024 Certified Roll Exemptions Sales Data Type List: 🔑 None Official Records Sale Date Book Page Value Type (New Window) Legal Description LTS 1 THRU 12 BLK 26 GULF BEACH MANOR S/D PB 1 P 16 Official Records Inquiry courtesy of Pam Childers OR 4641 P 1594 LESS HAMPTON LAKE S/D PB 17 P 49 Escambia County Clerk of the Circuit Court and Extra Features Comptroller None Launch Interactive Map Parcei Information Section Map Id: 33-2S-31-4 Approx. Acreage: 2.4363 Zoned: 🔑 HDMU

> Buildings Images

View Florida Department of Environmental Protection(DEP) Data

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.

Last Updated:08/12/2024 (tc.152528)

Pam Childers
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2024061243 8/12/2024 2:39 PM
OFF REC BK: 9187 PG: 1794 Doc Type: TDN

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.

S COMPTROLLES

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 ATTACHE	ED REPORT IS ISSUED TO:			
SCOTT LUNSF	ORD, ESCAMBIA COUNTY TAX	COLLECTOR		
TAX ACCOUNT	Γ#: 09-5070-506	CERTIFICATE #:	2022-46	28
REPORT IS LIM	IS NOT TITLE INSURANCE. THI MITED TO THE PERSON(S) EXPI N REPORT AS THE RECIPIENT(S	RESSLY IDENTIFIED B	Y NAME IN THE	E PROPERTY
listing of the own tax information a encumbrances re title to said land	port prepared in accordance with the ner(s) of record of the land describe and a listing and copies of all open corded in the Official Record Book as listed on page 2 herein. It is the ested. If a copy of any document listiately.	ed herein together with cur or unsatisfied leases, more as of Escambia County, Fl responsibility of the party	rrent and delinque gages, judgments orida that appear to named above to	nt ad valorem and to encumber the verify receipt of
and mineral or an encroachments, or	ubject to: Current year taxes; taxeny subsurface rights of any kind or soverlaps, boundary line disputes, and ction of the premises.	nature; easements, restric	tions and covenan	ts of record;
	s not insure or guarantee the validity insurance policy, an opinion of title			
Use of the term '	'Report" herein refers to the Proper	ty Information Report and	I the documents at	ttached hereto.
Period Searched: _	January 15, 2005 to and include	ding January 15, 2025	_ Abstractor:	Vicki Campbell
BY				

Malphel

As President

Dated: January 16, 2025

Michael A. Campbell,

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 TD.	A		
TAX DEED SALE DATE:	MAY 7, 2025		
TAX ACCOUNT #:	09-5070-506		
CERTIFICATE #:	2022-4628		
	cutes, the following is a list of names and addresses of those rest in or claim against the above-described property. The above-as proper notification of tax deed sale.		
YES NO ☐ ☑ Notify City of Pensacola, P.O. Bo ☐ ☑ Notify Escambia County, 190 Go ☐ ☐ Homestead for 2024 tax year.			
MITCHELL COMPANY INC	MITCHELL COMPANY INC		
ALABAMA CORPORATION	ALABAMA CORPORTION		
6706 PLANTATION RD STE B	3298 SUMMIT BLVD ST 18		
PENSACOLA, FL 32504	PENSACOLA, FL 32503		
DEEP SOUTH CRANE RENTALS INC	MITCHELL COMPANY		
6949 MOBILE HWY	41 W, 1-65 N SUITE 300		
PENSACOLA, FL 32526	MOBILE, AL 36608		
BANK OF AMERICA, NA	COOK CONSTRUCTION CO, INC.		
C/O ROBERT E UNELL	OF SOUTH FLORIDA		
PEACHTREE ST., 6TH FLOOR	4206 NATIONAL GUARD DR		
ATLANTA, GA 30308	PLANT CITY, FL 33563		
SE PROPERTY HOLDINGS, LLC	SE PROPERTY HOLDINGS LLC		

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

PERDIDO TITLE & ABSTRACT, INC.

C/O GILBERT L FONTENOT

Malphel

PO BOX 1281

MOBILE, AL 36633

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.

51 N THIRD ST

NEWARD, OH 43055

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)

1500

Grantee #2 TIN:

This Document Prepared By and Return to: John W. Monroe, Jr. Emmanuel, Sheppard & Condon 30 S. Spring St. Pensacola, FL 32501 OR BK 4641 PG1594 Escambia County, Florida INSTRUMENT 2000-799299

DEED DOC STRIPS PD 0 ESC CD \$1029.00 12/22/00 SHNIE LEE NEGNYD, CLERK By:

Parcel ID Number: 33-28-31-2000-010-026 Grantee #1 TTN:

Warranty Deed

Made this 21st day of December , 2000 A.D., 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 and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have

ONE PAGE AND MADE A PART HEREOF BY REFERENCE.

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

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: Phillips, Sr., a (Seal) Printed/Name: 10/4 Danny F also known Witness as Danny Franklin Phillips P.O. Address: 6575 Suwance Road, Pensacola, FL 32526 ucio Printed Name: Alecia M. Phillips Witness 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 ву 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 COMMOSION NUMBER
COSST/17
COMMOSION EDPINE JOHN W. MONROW, TAL

M0530-81721 mkk

Laser Generated by © Display Systems, Inc., 2000 (863) 763-5555 Form FLWD-1

Printed

Notary Public My Commission Expires:

Exhibit A

LOTS ONE (1) THROUGH TWELVE (12), BOTH INCUUSIVE, 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 IT\$ 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 () for maintenance.	has not accepted the abutting roadway
<u>Condon</u> 30 South	Monroe, Jr. of Emmanuel, Sheppard & Spring Street A. Florida 32501
AS TO SELLER(S): Seller's Name: Seller's Name: Alecia M. Phillips	Witness: Mary Kheel Beverly Mantin Witness: Beverly manon
AS TO BUYER (S): The Mitchell Company, Inc. By: Buyer's Name Jeffrey A. Michael Senior Vice President Buyer's Name:	Witness: May Kheel Benery Martin Witness: BEUPNEY MARTIN

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

Recorded in Public Records 03/31/2009 at 12:29 PM OR Book 6442 Page 1747, Instrument #2009021298, Ernie Lee Magaha Clerk of the Circuit Court Escambia County, FL

IN THE COUNTY COURT IN AND FOR ESCAMBIA COUNTY FLORIDA

ERNIE LEE MAGAIIA 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#:

Order: QuickView Gtr Gte Doc: FLESCA:6442-01747~12033 Requested By: VickiCampbell1, Printed: 12/20/2024 10:23 AM

BK: 6442 PG: 1748 Last Page

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

Order: QuickView_Gtr Gte
Doc: FLESCA:6442-01747~12033

Recorded in Public Records 04/03/2013 at 01:48 PM OR Book 6996 Page 1625, Instrument #2013023085, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$146.00

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 ENGINNERS, 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 nonprofit corporation,

CLERK OF CIRCUIT
AND COUNTY COURT
LACE COUNTY
TAVABLE FOR STATE

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:



86 Ø

Order: QuickView_Gtr Gte
Doc: FLESCA:6996-01625~12033

Requested By: VickiCampbell1, Printed: 12/20/2024 10:23 AM

- **(1)** The Motion is hereby GRANTED.
- This Court has jurisdiction over the parties and the subject matter of this <u>(2)</u> proceeding.
- Plaintiff shall have and recover from Defendants, BANYAN CONSTRUCTION <u>(3)</u> 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	\$25 022 970 12	
	\$25,923,870.12	
Less Bid Price at Sale Date	(\$100.00)	
Less Property Value as of Sale Date	(\$15.285.000.00)	
	(\$15,285,000.00)	
Deficiency Principal after Sale Date (the "Deficiency Principal")		\$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,		

\$127,373.78
\$505,339.94
\$12,460.48
\$2,382,659.74
\$51,937.63
\$36,005.54
\$87,943.17
\$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.

Pursuant to Section 702.10, Florida Statutes, if the requested attorneys' fees are **(4)** 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.

Doc: FLESCA:6996-01625~12033

- (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

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 day of January, 2013.

The Honorable G. Dichard 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 ENGINNERS, 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 nonprofit 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):	
	•

2

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.

3

6996 PG: 1633

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 acknowledg , who i as identification.	ted before me on(DATE), by its personally known to me or has produced fication and who did/did not take an
WITNESS my hand and official seal, th	is 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.

6996 PG: 1634

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 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.; ACQUISITION CORPORATION, an Alabama corporation; GECI & ASSOCIATES ENGINNERS, 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 nonprofit 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:

5

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):

6

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.

7

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

THE MITCHELL COMPANY, INC., an

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.

8

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 ENGINNERS, 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 nonprofit corporation,

Defendants.

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

Name of entity: JDC ACQUISTION 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 pur	poses?Yes	No
Average number of employees per	r month		
Name of each shareholder, member preferred stock, or other equity into	- · · · -	% or more of the er	ntity's common stock,
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	***************************************	•••••••••••••

Names of officers, directors, mem	ibers, 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:T	Tag No:	Mileage:	
Names on Title:	P	resent Value: \$	
Loan Owed to:		*******************************	
Balance on Loan: \$,	
Monthly Payment: \$,		
Does the entity own any real property Yes No	erty?		
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.

11

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

	an Alabama corpora	tion
	Ву:	
		<u> </u>
*	Its:	<u>, , , , , , , , , , , , , , , , , , , </u>
STATE OF FLORIDA		
COUNTY OF		
The foregoing instrument was acknowledged, who is	personally known to	me or has produced
oath. as identific	ation and who di	did not take an
WITNESS my hand and official seal, this	s 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 IS NOT REPRESENTED BY AN ATTORNEY.



12

Recorded in Public Records 06/10/2013 at 02:16 PM OR Book 7028 Page 1329, Instrument #2013041617, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$27.00

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,

Case No.: 10-CA-006346

Division: B

CLERK OF CIRCUIT COURT
2011 DEC 19 AM IO: 03
HILLSBOROUGH CHTY.FLA

Defendants.

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

RETURN TO CIRCUIT CIVIL



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Page 1 of 3

Requested By: VickiCampbell1, Printed: 12/20/2024 10:25 AM

1330 7028 PG:

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.

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

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

S day of December, 2011.

The Honorable Robert A. Foster, Jr. Circuit Judge

4843-1135-8989.2

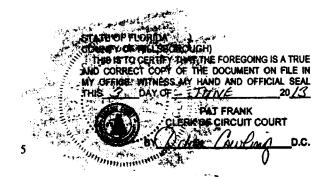
BK: 7028 PG: 1331 Last Page

Bk 20878 Pg 1012

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

4843-1135-8989.2

Order: QuickView_Gtr Gte
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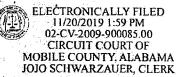
Recorded in Public Records 11/25/2019 11:05 AM OR Book 8204 Page 1660, Instrument #2019103346, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$78.00

Case no. 2019 CA 001904

State of Alaba Unified Judicia		College and the second		EMPLIES TO	Case Number
Form C-36	CERTIFICATE OF EXEMPLIFICATION			EMPLIFICATION	CV-2009-900085
		· · · · · · · · · · · · · · · · · · ·	STATE OF ALA	BAMA	
	~		OTALE OF ALL		
IN THE		Circuit	COURT OF	Mobile County	, ALABAMA
	(Circuit or Visio	n Bank	v	(Name of County) Bama Bayou LLC, etc	et al.
		ma or Plaintiff)	v	Defendant	.,,
	InIn	Schwarzauer			
In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, this date. In witness whereof, I have hereunto set my hand and Seal of the Court, do hereby certify that, and Court, do hereby certify that, it is above-hanged Court, do hereby					
				udge 11/21/2019 ate	
l,		JoJo Schwarz	zauer /	Clerk of the above-	named Court, do hereby
certify that Jill P. Phillips, 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.					
			ind and affixed the S	eal of the Gourt, this date. Jerk H1 1/2 H2019	and and
	- Comm				

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DOCUMENT 2492



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

case no. 2019 ca 001904

VISION BANK, . Plaintiff,)	
V.) Case No.:	CV-2009-900085.00
DANKA DAMOULLI O ANY ALADANKA)	
BAMA BAYOU LLC AN ALABAMA LIMITED LIABILITY CO FKA,)	CLERK 2019 ESC.
MITCHELL COMPANY INC AN ALABAMA CORPORATION,)	PAM CI RK & CO RNOV
SAINT FRANCES J PERSONAL REP)	A 2 FR
OF THE ESTATE OF, STEFAN CHESTER J ET AL,)	
Defendants.)	DERS DTROLL D 2: P 2:
		- ER

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 (Boc. 2453); and (x) Bank of Franklin's Joinders in

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Doc: FLESCA:8204-01660~12033

Requested By: VickiCampbell1, Printed: 12/20/2024 10:27 AM

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DOCUMENT 2492

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.
- 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

Order: QuickView_Gtr Gte
Doc: FLESCA:8204-01660~12033

BK: 8204 PG: 1663

DOCUMENT 2492

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

Order: QuickView Gtr Gte

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

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- 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.

George Braswell

\(\text{West Note: \$315,000.00 in principal and \$1,866,444.69 in interest:

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- 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;
 - North Note: \$280,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,513,596.31 in interest;

Total: \$6,169,347.80.

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- o. Sara Rebecca Bain (a/k/a Sara Rebecca Johnston)
 - 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

- 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.
- 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

- 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;
- North Note: \$280,000.00 in principal jointly and severally in the ii. aggregate with Debra Harrison and \$1,513,596.31 in interest;
- Total: \$6,169,347.80. iii.

r. Stephen C. Lawler

- 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 Jennifer Lawler and \$1,513,596.31 in interest;
- Total: \$6,169,347.80. iv.

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.

Debra Harrison

i. North Note: \$280,000.00 in principal jointly and severally in the

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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.

In accordance with this Order and the other Orders entered by this Court on this 14.

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.

ONE this 20th day of November, 2019.

Clerk Circuit Count of Mobile County. Alabama

/s/ JILL PARRISH PHILLIPS

CIRCUIT JUDGE

Case no. 2019 CA 001904

State of Alaba	ma				Ta ia	
Unified Judici		CERTIFI	CATE OF FY	EMPLIFICATION	Case Nu	
Form C-36	Rev. 10/99	CV-20	009-900085			
ones s	•	in a graph and plants and a second a second and a second	STATE OF ALA	ABAMA		- y - ggy
IN THE_	C	ircuit	COURT OF	Mobile County		ALABAMA
	(Circuit or	District)		(Name of County)		
		n Bank	V.	Bama Bayou LLC, et	c., et al.	
	(State of Alaba	ma or Plaintiff)		Defendant		
	annexed to this		nplification are true	of the above-named Court, do copies of originals on file and of the Court, this date.	hereby of record in the cord i	certify that the his office.
			, , , , , , , , , , , , , , , , , , ,	11/21/2019	DIA COUNTY FLA	21 P 2: Toward
I, the Clerk of further cer form of lav	JoJo Schwarz of the above-nar tify that the Sea	ned Court, duly ele	_, whose name is s cted/appointed, and mplification is the S	Judge of the above-hamed Cousigned to the preceding Certifical that full faith and creditrare dured to the Court, and that the actual of the Court, and that the actual of the Court and the Court an	ate of Exe e to his/he	mplification, is er official acts. I
	e-named Court		, whose , and that the signat nd and affixed the §	Clerk of the above-name is signed to the foregoing ture of the Judge is genuine. Seal of the Court, this date. Jerk -1/21/2019	named Co	urt, do hereby e, is the Judge

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Plaintiff.

Defendants.

STEFAN CHESTER JET AL,

V.

DOCUMENT 2492



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

case no. 2019 CA 001904 VISION BANK, 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.

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). The Court held oral

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

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

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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;
 - O. iv. Total: \$14,544,347.80.
 - b. Frances Saint, in her capacity as Personal Representative of the Estate of John B. Saint

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- 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;
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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.

George Braswell

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

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- 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;
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- 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;
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- 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

₩iii.

- 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;
 - North Note: \$280,000.00 in principal jointly and severally in the aggregate with Carol J. Castille and \$1,513,596.31 in interest; Total: \$6,169,347.80.

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- 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;
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 - 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;
- े र्वां. Total: \$3,987,903.11.

Debra Harrison

i. North Note: \$280,000.00 in principal jointly and severally in the

Order: QuickView_Gtr Gte
Doc: FLESCA:8206-01355~12033

Page 8 of 9 Requested By: VickiCampbell1, Printed: 12/20/2024 10:34 AM

BK: 8206 PG: 1363 Last Page

DOCUMENT 2492

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.

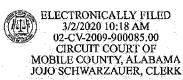
Clerk. Circuit Court of Mobile County. Alabama

/s/ JILL PARRISH PHILLIPS

CIRCUIT JUDGE

Recorded in Public Records 3/9/2020 2:19 PM OR Book 8259 Page 1943, Instrument #2020020647, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$18.50

DOCUMENT 4145



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,	<u>, </u>	
Defendants.	3	

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, Calcra 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

Order: QuickView_Gtr Gte
Doc: FLESCA:8259-01943~12033

BK: 8259 PG: 1944 Last Page

DOCUMENT 4145

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 Schwarzauer, Clerk of the Circuit Court of Mobile County, Alabama, do hereby certify that the foregoing 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

Clerk of the Circuit Court of Mobile County, Alabama

day of

Order: QuickView_Gtr Gte
Doc: FLESCA:8259-01943~12033

Page 2 of 2

Requested By: VickiCampbell1, Printed: 12/20/2024 10:35 AM

STATE OF FLORIDA **COUNTY OF ESCAMBIA**

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 PENSACOLA, FL 32504

3298 SUMMIT BLVD ST 18 PENSACOLA, FL 32503

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

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

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

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

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

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

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.

COMPTROL IN THE STATE OF THE ST

PAM CHILDERS CLERK OF THE CIRCUIT COURT ESCAMBIA COUNTY, FLORIDA

By: Emily Hogg Deputy Clerk

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.

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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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Dated this 17th day of March 2025.

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Personal Services:

MITCHELL COMPANY INC ALABAMA CORPORATION

6706 PLANTATION RD STE B PENSACOLA, FL 32504

COMP ROLL TO

PAM CHILDERS CLERK OF THE CIRCUIT COURT ESCAMBIA COUNTY, FLORIDA

By: Emily Hogg Deputy Clerk

ESCAMBIA COUNTY SHERIFF'S OFFICE ESCAMBIA COUNTY, FLORIDA

NON-ENFORCEABLE RETURN OF SERVICE 5525.73

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, CPS

Service Fee: Receipt No: \$40.00 BILL

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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.

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 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

Rv

. A**n**thony, Cf

Service Fee: Receipt No: \$40.00 BILL

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.

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SECTION 33, TOWNSHIP 2 S, RANGE 31 W

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Dated this 17th day of March 2025.

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Personal Services:

MITCHELL COMPANY INC ALABAMA CORPORATION

6706 PLANTATION RD STE B PENSACOLA, FL 32504

BAT & COUNTY OF

PAM CHILDERS CLERK OF THE CIRCUIT COURT ESCAMBIA COUNTY, FLORIDA

By: Emily Hogg Deputy Clerk

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

Clerk of the Circuit Court & Comptroller Official Records

Pensacola, FL 32502

221 Palafox Place, Suite 110

9171 9690 0935 0127 2424 27

quadient FIRST-CLASS MAIL

0004/03/25

03/20/2025 ZIP 32502 043M31219251

US POSTAGE

MITCHELL COMPANY INC [0525-73] 3298 SUMMIT BLVD ST 18 PENSACOLA, FL 32503 JA1: 93000900980863

NIXIE RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

BC:

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RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD

*2638-00741-21-35

BC: 32502583335 Սիկրի Ոլարդ Ալիվայկ միրինի հետ հվակարկին հերմ

UNC 325361601999

9171 9690 0935 0127 2424 10

Pensacola, FL 32502

DEEP SOUTH CRANE RENTALS INC

[0525-73]

6949 MOBILE HWY PENSACOLA, FL 32526

Pam Childers

Clerk of the Circuit Court & Comptroller Official Records









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 published at (Warrington) Pensacola in Escambia County. Florida; that the attached copy of advertisement, being a NOTICE TAX DEED SALE in the matter of

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

CIRCUIT in the 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, 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

Ponther Tuttle

Digitally signed by Heather Tuttle DN: c=US, o=The Escambia Sun Press LLC, dnQualifier=A01410C000001890CD5793600064AAE, cn=Heather Tuttle

HEATHER TUTTLE NOTARY PUBLIC



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:

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

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PAM CHILDERS CLERK OF THE CIRCUIT COURT ESCAMBIA COUNTY, FLORIDA By: Emily Hogg Deputy Clerk

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



Scott Lunsford, CFC • Escambia County Tax Collector

EscambiaTaxCollector.com



2024

REAL ESTATE

TAXES

SCAN TO PAY ONLINE

Notice of Ad Valorem and Non-Ad Valorem Assessments PROPERTY REFERENCE NUMBER **ESCROW CODE** MILLAGE CODE CCOUNT NUMBER 09-5070-506 3325312600040010

> PROPERTY ADDRESS: DOG TRACK RD

EXEMPTIONS:

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

PRIOR YEAR(S) TAXES OUTSTANDING

AD VALOREM TAXES								
TAXING AUTHORITY MILLAGE RATE ASSESSED VALUE EXEMPTION AMOUNT TAXABLE AMOUNT TAXES LI								
COUNTY PUBLIC SCHOOLS	6.6165	7,320	0	7,320	48.43			
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 DE	SCRIPTION	NO	N-AD VALOREM ASSESSMENTS	
1 P 16 OR 4641 P	ULF BEACH MANOR S/D PB 1594 LESS HAMPTON Legal on Tax Roll	FP FIRE PROTECTION	RATE	15.09
			NON-AD VALOREM ASSESSMENTS	\$15.09
	at EscambiaTax ust be in U.S. funds drawn		COMBINED TAXES AND ASSESSMENTS	\$109.76
If Received By Please Pav	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

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

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

Payments in 0.3. Junu	s from a 0.3. bank
PAY ONLY ON	IE 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 MOT FOLD STAD	LE OD BALITTI ATE

DO NOT FOLD, STAPLE, OR MUTILATE

PAM CHILDERS

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



COUNTY OF ESCAMBIA OFFICE OF THE CLERK OF THE CIRCUIT COURT

BRANCH OFFICES
ARCHIVES AND RECORDS
JUVENILE DIVISION
CENTURY

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

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

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

Cash Summary

Casii Gaiiiiia.	7
Cash Deposit	\$920.00
Total Check	\$17,651.30
Grand Total	\$18,571.30

Haine J	ON INCLUOIS	40.5 M. C.
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
	ahad military and a second	Researcher Copies \$0.00
- postage	\$65.60	
- Researcher Copies	\$0.00	
		Adv Recording Mail Cert \$18.50
- Homestead Exempt	\$0.00	
	ментинду ком и и можения поделен на также над продости на постоя под под не достоя на постоя на постоя на выпол	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	
\$	Commence of the Commence of th	SAM CHILDEDC

PAM CHILDERS
Clerk of the Circuit Gourt

Deputy Clerk

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

PAM CHILDERS

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



COUNTY OF ESCAMBIA OFFICE OF THE CLERK OF THE CIRCUIT COURT

BRANCH OFFICES ARCHIVES AND RECORDS JUVENILE DIVISION CENTURY

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

Case # 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	M 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
		Tota!	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		0.00

on Results Report

tamps 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	D P	arcei	Bidder \	Minning Winning	Deposit	Auction	Clerk	Rec Fee			Doc Stam	Total Due	Certificate Number	Name On Title	Title Address	
3 05/07/2025 2022 TD	00462 332	S31	Edit Name on Tit	ie				* * * * * * * * * * * * * * * * * * *		×); _{0.00}	\$128.80	\$17,651.30	04628	Jon Nelson	S814 crestiake	dr
€ 05/07/2025 2022 TD	00255 162	S3(Name on Title	. C	ustom Fields	Style	1			i0.00	\$333.20	\$45,595.70	02551	Maksim matyunir	n 6522 park ave	₩il
② 05/07/2025 2022 TD	<u>00156</u> 421	S30	•	ł		1				:0.00	\$234.50	\$32,102.00	01562	Nimbalian Enlerp	or 225 N Pace Blv	d.
3 05/07/2025 2020 TD	<u>00783</u> 024	N30 -	Case N	umb	er: 2022 1	D 0046	28			i0.00	\$77.00	\$10,569.50	07837	Nimbalian Enterp	or 225 N Pace Blv	d.
j 05/07/2025 <u>2020 TD</u>	<u>00658</u> 085	N3(Result	Date	: 05/07/20	25				(0.00	\$32.90	\$4,540.40	06582	RDZ INVESTME	N 479 US HWY 9	0 V
Ø 05/07/2025 <u>2020 TD</u>	00361 342	S30	Title In	form	ation:					10.00	\$67.20	\$9,229.70	03619	Vivian Long	1010 Pennsylva	mii
Ø 05/07/2025 2020 TD	<u>00359</u> 342	S3(1166 116		auvii.					i0.00	\$84.70	\$11,622.20	03597	Mark Warren Fin	k 304 Yvonne Av	B /
) 05/07/2025 2020 TD	<u>00309</u> 172	S3 0	Name:	JC	n Nelson					;0.00	\$54.60	\$7,507.10	03092	Clear Westview I	LF 1001 Avenida F	rice
Ø 05/07/2025 2020 TD	00141 271	530		4. [55	Nd d annother				\neg	i0.00	\$177.80	\$24,350.30	01416	Nimbalian Enterp	or 225 N Pace Blv	d.
3 05/07/2025 2020 TD	00130 261	S30	Address	1. 50	314 crestlak	e ui			J	0.00	\$105.00	\$14,397.50	01308	ruben averhart	8721 saligrass	dr
05/07/2025 2018 TD	<u>00560</u> 213	S31	Address	2.				***************************************		0.00	\$10.50	\$1,353.00	05607	RDZ INVESTME	N 479 US HWY 9	0 V
☑ 05/07/2025 <u>2018 TD</u>	<u>00560</u> 213	S31	, , , , , , , , , , , , , , , , , , , ,							:0.00	\$10.50	\$1,353.00	05606	P3 PROPERTY	IN 20392 N 84TH	W
			City:	cr	estview											
			State:	F	LV											
			Zip:	32	2536											
				L												
						Cancel) (Update								
.6 B						ad Kal	Page	of 1	Se V - Me 8	30 🐷					View 1 -	12 of
φ ?		TOTA	LS: Items Coun	t: 12 E	Balance: \$178.4	45.00 Cler					c Stamps:	\$1,316.70 To	tal Due: \$18	0,271.70		

81182

Jon Nelson

\$ 18,400.00

\$ 920.00

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

STATE OF FLORIDA **COUNTY OF ESCAMBIA**

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 PENSACOLA, FL 32504

3298 SUMMIT BLVD ST 18 PENSACOLA, FL 32503

6949 MOBILE HWY PENSACOLA, FL 32526

DEEP SOUTH CRANE RENTALS INC

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

SE PROPERTY HOLDINGS, LLC MITCHELL COMPANY C/O GILBERT L FONTENOT PO BOX 1281

41 W, 1-65 N SUITE 300 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 (Warrington) Pensacola, Escambia County, Florida

CIRCUIT

Court

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 of The Escambia Sun Press, a weekly newspaper Publisher Pensacola in Escambia published (Warrington) of advertisement. Florida: the attached copy being that TAX DEED SALE NOTICE in the matter of DATE - 05-07-2025 - TAX CERTIFICATE #'S 04628

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 published at (Warrington) Pensacola. said newspaper 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.

Will Page

Digitally signed by Michael P Driver
DN: c=US, 0=The Escambia Sun Press LLC,
dnOuallifer=A01419D0000019093B5D40A000E97D9, 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

Heather Tuttle

Digitally signed by Heather Tuttle DN: c=US, o=The Escambia Sun Press LLC, dnQualifier=0.41410C00001890CD5793600064AAE, cn=Heather Tuttle Date: 2025.04.17 10.05.42 -0500'

HEATHER TUTTLE NOTARY PUBLIC



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

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

Clerk of Court and Comptroller

Escambia County, Florida

Pam Childers,

00/100 Dollars, the amount paid as required by law.

ensacola,

221 Palafox P

Hogg 221 Palafox Place, Ste

Pensacola, FL 32

before me personally appeared day of

On this 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	
<u> </u>	
Account # 095 07 0506	
Property Owner Mitchell Coupany Inc	
Property Address Dog Track Rd 32506	
SOLD TO: Jon Nelson \$18,400.00	
	100
Disbursed to/for: Amount Pd: Registry Balance:	
Recording Fees (from TXD receipt) \$ 157.30 \(\)	
Clerk Registry Fee (fee due clerk tab) Fee Code: OR860 \$ Ju 3.52 \$	
Tax Collector Fee (from redeem screen) \$ (0.25 \frac{1}{2} \)	
Certificate holder/taxes & app fees \$9,718,917 \$	
Refund High Bidder unused sheriff fees \$ \(\dilphi_0,00\\)\\$	
Additional taxes 2624 \$ 148.05 \$ \$ 7.51.51	
Postage final notices \$ US.60 \$ \$190.01	
\$ \$	
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\$ \$	
BALANCE IN TAX DEEDS SHOULD MATCH BALANCE IN BENCHMARKIIIIIIIIIII	
	7,
Lien Information:	
Due \$	
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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	



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

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



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

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Dated this 14th day of May 2025.

ESCAMBIA COUNTY CLERK OF CO

By: Deputy Cler

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



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:

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Dated this 14th day of May 2025.

COMMONT

ESCAMBIA COUNTY CLERK OF COURT

Deputy Clerk

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



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, 1-65 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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Dated this 14th day of May 2025.

ESCAMBIA COUN

LERK OF COURT

Deputy Clerk

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



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

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 COUN

CLERK OF COURT

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



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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Dated this 14th day of May 2025.

ESCAMBIA COUNT

OF COURT

By: Deputy Clerk

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



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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Dated this 14th day of May 2025.

ESCAMBIA COUNT

Deputy Clerk

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



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:

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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Dated this 14th day of May 2025.

ESCAMBIA COU

CLERK OF COURT

Deputy Clerk

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

9171 9690 0935 0128 1812 99

STRUMITAX DEED

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

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

Pam Childers

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

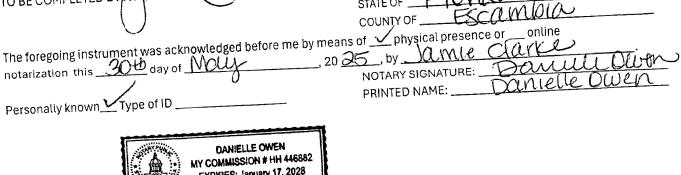
NIXIE

UNABLE TO FORWARD

BC: 32502583335

quadient

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. Escambia Clerk of the Circuit Court, Attn: Tax Deed Division, 221 Palafox Place, Ste 110, Pensacola FL 32502 or email form to: COMPLETE NOTARIZED FORM AND RETURN TO: taxdeeds@escambiaclerk.com 1. TAX DEED CASE INFORMATION TAX DEED ACCOUNT NUMBER: CERTIFICATE NUMBER: SALE DATE: **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) If claiming as a lienholder please complete Section 3. If claiming as a titleholder please complete Section 4. Lienholder: I am one of the following: Titleholder: Describe other: 3. LIENHOLDER INFORMATION (Complete if claim is based on a lien against the sold property) Other: Amount due: Book # Amount due: MORTGAGE LIEN: Page # Book# Amount due: COURT JUDGMENT: Page # Book # Amount due: CONDO/HSA LIEN: Describe other: 4. TITLEHOLDER INFORMATION (Complete if claim is based on title formerly held on sold property) NATURE OF TITLE Page # Book # DEED: Page # Book# PROBATE ORDER: **I hereby swear under oath and under penalty of perjury that all of the above information is true and correct. Describe other: OTHER: PRINTED NAME CLAIMANT SIGNATURE: TO BE COMPLETED BY A NOTARY STATE OF





Mylinda 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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From: Jamie Clarke < jamie@deepsouthcranes.com >

Sent: Monday, June 2, 2025 8:49 AM

To: COC TaxDeeds < TaxDeeds@escambiaclerk.com >

Subject: [EXTERNAL]0525-73

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****
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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.



J. Stephen Harvey

Direct Dial: (251) 431-8819 sharvey@mcdowellknight.com

July 22, 2025

Via Certified Mail

Pam Childers (Tax Deeds) Clerk of Circuit Court/Comptroller 221 Palafox Place Suite 110 Pensacola, FL 32502

SCAMBIA COUNTY!

Re:

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

Dear Ms. Childers:

Our firm represents SE Property Holdings, LLC ("SEPH"), in connection with the above and the "surplus letter" (copy enclosed) from your office regarding the above dated May 14, 2025. SEPH holds a judgment against Mitchell Company, Inc., which was a lien against the property sold at the tax sale referenced above on May 7, 2025. SEPH claims the surplus proceeds from said tax sale, as per the Claim to Surplus Proceeds enclosed herewith. Please let me know if you need anything further to process this claim.

Sincerely,

J. Stephen Harvey

For the Firm

cc: Jennifer Corbitt (via electronic email with enclosures).

JSH/llm Enclosures 120 days:

0525.13

CLAIM TO SURPLUS PROCEEDS OF A TAX DEED SALE

**Lienholder claims must be filed wit	hin 120 days of	the date of the su	irplus notice	or they are bar	red.	
COMPLETE NOTARIZED FORM AND RET	URN TO:					
Escambia Clerk of the Circuit Court, Att		sion, 221 Palafox	: Place, Ste 11	lo, Pensacola FI	L 32502 or e mail i	form to:
axdeeds@escambiaclerk.com				350-595-4813		
L TAX DEED CASE INFORMATION						
TAX DEED ACCOUNT NUMBER:	09-50	070-506				
CERTIFICATE NUMBER:	046	128 of a	२०२२			
SALE DATE:	M.	ay 7, 20	እ 5¯			
PROPERTY ADDRESS:	DOG Tra	CK Road 1	cusacola	FL Lots	1-12, 3/K	26, Sulf Bench Manor
**NOTE: The Clerk must pay all yalid	liens before dist	ributing surplus	funds to a tit	leholder.	•	manory
	_ I claim the surp	olus proceeds res	sulting from th	ne above tax dee	ed sale.	
	_I am NOT maki	ng a claim and wa	aive any claim	I might have.		
2. CLAIMANT'S INFORMATION						
CLAIMANT'S NAME:	SĒ	= Property	Holdin	95, LLC	·	
CONTACT NAME, IF APPLICABLE:		Stephen H	urvey,	attorne y	- P	<u> </u>
MAILING ADDRESS:		P.O. BOX 3	50 , M	ulile AL	. 36601	
TELEPHONE NUMBER:		251- 431			e in in a state of the state of	
EMAIL ADDRESS:		sharvey	1 @ Mc.	dowell K.	1:544.com	
MAIL CHECK TO: (if different address)		•				
					() ()	
am one of the following:	Lienholder:	🗸 If claiming as	a lienholder	please complet	e Section 3.	
	Titleholder:	If claiming as	s a titleholder	please complet	te Section 4.	1 2 Eu
	Other:	Describe oth	er:			
3. LIENHOLDER INFORMATION (Comp	lete if claim is b	ased on a lien ag	ainst the sol	d property)	*	
MORTGAGE LIEN:	Book#	-2	_ Page#		Amount due:	
COURT JUDGMENT:	Book# 🕏	R 8204	_ Page#	1660	Amount due:	over 450,000.00
CONDO/HSA LIEN:	Book #		_ Page#		Amount due:	<u> </u>
OTHER:	Describe other	••			Amount due:	
4. TITLEHOLDER INFORMATION (Comp	plete if claim is t	oase <mark>d on title fo</mark> r	merly held or	n s old prope rty)	
NATURE OF TITLE						
DEED:	Book#	-	_ Page#			
PROBATE ORDER:	Book #		_ Page#			
OTHER:	Describe other					
**I hereby swear under oath and u	under penalty (of perjury th at a	ill of the abo			
1	1/ 1/			Amount of sur	·	\$8,192.01
CLAIMANT SIGNATURE:	7- 1to	m	PRINTED N	NAME: Step	Ley Harvey	Cattorney for
TO BE COMPLETED BY A NOTARY	Attorney for	Holdings, LL-		191 (1)(1)(1)	Λ (Λ	SE Projecty diags, "
	so respectly	MOLATINGS;		manan		
				- MUNI		
The foregoing instrument was acknown	owledged before				oronline	Tai 1-
notarization this 22na day of _	SALY	. 20	institute on the	Stepn-	WALLAUNUS	10 N 10 Cho. ()
		TA.	A read of the second	. O. D. 11 O. 12: 32	My Carm	
Personally knownType of ID		- C. C. C. C.	PRINTED	VAME: LEV	2 comin	1 ILIVINIAN IN
		Similar Maria	James C.	, 1	Notary Public, Ala	abama State at Large
		R. Manden	*-045		📤 Lexy L	eahann McPhail
	;	TO THE TO	McPhail or		mullium Exp	ires12/9/2025 🤻 🛴
		- Com 1 7 9 1 2 11	11.3	ì		



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:

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Dated this 14th day of May 2025.

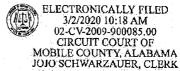
ESCAMBIA COUNT

Deputy Clerk

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

Recorded in Public Records 3/9/2020 2:19 PM OR Book 8259 Page 1943, Instrument #2020020647, Pam Childers Clerk of the Circuit Court Escambia County, FL Recording \$18.50

DOCUMENT 4145



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.))))	209 OA 001904

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, Calcra 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, 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

Order: QuickView_Gtr Gte
Doc: FLESCA:8259-01943~12033

DOCUMENT 4145

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 Schwarzauer, Clerk of the Circuit Court of Mobile County, Alabama, do hereby certify that the foregoing_ page(s) constitute(s) a full, true and accurate copy of the record rendered in this cause, as the same remains of record

WITNESS MY HAND AND SEAL this:

Clerk of the Circuit Court of

day of

Mobile County, Alabama

Order: QuickView_Gtr Gte Doc: FLESCA:8259-01943~12033 Requested By: VickiCampbell1, Printed: 12/20/2024 10:35 AM

IN THE CIRCUIT COURT OF ESCAMBIA COUNTY, FLORIDA

SE PROPERTY HOLDINGS, LLC,)
Plaintiff,)
v.) Case No. 2019 CA 001904
BAMA BAYOU, GULF WORLD, LLC, THE MITCHELL COMPANY, INC., FRANCES J. SAINT, IN HER CAPACITY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JOHN B. SAINT, DONALD P. KELLY, JR., CHESTER J. STEFAN, SCOTT RALEY, JAMES W. BRANYON, SARA REBECCA BAIN, f/k/a SARA REBECCA JOHNSTON, LESTER L. BOIHEM, DIANE BOIHEM, GEORGE S. BRASWELL, PAUL E. CALLICOAT, CARROL CASTILLE, STACEY CASTILLE, JASON DYKEN, A. B. HARRISON, STEPHEN C. LAWLER, TAMMY CENTER, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHARLES TRAMMELL, SUE RALEY, aka KAREN SUE RALEY, WENDY CALLICOAT, BELINDA TRAMMELL, DEBRA HARRISON and JENNIFER K. LAWLER,	CLERK & COMPTROLLER FILED 2019 NOV 21 P 2: 12 ESCAMBIA COUNTY, FL
Defendants.	,

AFFIDAVIT OF GILBERT L. FONTENOT

STATE OF ALABAMA	
COUNTY OF MOBILE)

BEFORE ME, the undersigned authority, personally appeared Gilbert L. Fontenot, attorney for SE Property Holdings, LLC, successor by merger with Vision Bank, judgment creditor herein, who upon oath says:

1. My name is Gilbert L. Fontenot and I am the attorney for SE Property Holdings, LLC, the judgment creditor who obtained a judgment in the Circuit Court of Mobile County, State of Alabama, in the case styled *Vision Bank v. Bama Bayou, LLC, et al*, being civil case number CV-2009-900085. On November 20, 2019, a final judgment was entered in favor of SE Property Holdings, LLC, against Bama Bayou, LLC, in the amount of \$20,245,143.09; Gulf World, LLC, and The Mitchell Company, Inc., in the amount of \$14,544,347.80; Frances J. Saint, in her capacity as Personal Representative of the Estate of John B. Saint, in the amount of \$11,294,347.80; Donald P. Kelly, Jr., and Chester J. Stefan in the amount of \$8,294,347.80; Scott Raley in the amount of

\$7,474,347.80; James W. Branyon, in the amount of \$7,039,347.80; Sara Rebecca Bain, f/k/a Sara Rebecca Johnston, Lester L. Boihem, Diane Boihem, George S. Braswell, Paul E. Callicoat, Carrol Castille, Stacey Castille, Jason Dyken, A. B. Harrison, Stephen C. Lawler, and Tammy Center, as Personal Representative of the Estate of Charles Trammell, in the amount of \$6,169,347.80; Sue Raley, aka Karen Sue Raley, in the amount of \$4,827,903.11; Wendy Callicoat and Belinda Trammell in the amount of \$3,987,903.11; and Debra Harrison and Jennifer K. Lawler in the amount of \$1,793,596.31. Court costs assessed against all in the amount of \$2,033.26.

- 2. The address of the Judgment Creditor is c/o 61 St. Joseph Street, Ste 200, Mobile, Alabama, 36602.
- 3. The last known address of the Judgment Debtor Bama Bayou, LLC, is PO Box 160306, Mobile, AL 36613.
- 4. The last known address of the Judgment Debtor Gulf World LLC, is PO Box 2077, Gulf Shores, AL 36547.
- 5. The last known address of the Judgment Debtor The Mitchell Company, Inc., is PO Box 160306, Mobile, AL 36613
- 6. The last known address of the Judgment Debtor Sara Rebecca Bain f/k/a Sara Rebecca Johnston, is PO Box 1703, Orange Beach, AL, 16293.
- 7. The last known address of the Judgment Debtors Lester L. Boihem & Diane Boihem is 6501 Argonne Blvd, New Orleans, LA, 70124.
- 8. The last known address of the Judgment Debtor James Branyon is PO Box 1010, Fayette, AL 35555.
- 9. The last known address of the Judgment Debtor George Braswell is 24350 Bay Forest Dr, Foley, AL 36535.
- 10. The last known address of the Judgment Debtors Paul Callicoat & Wendy Callicoat is 3946 Five Mile Rd, Seneca, MO 64865.
- 11. The last known address of the Judgment Debtors Carrol Castille and Stacey Castille is 3411 Mills St, Carencro, LA 70520.
- 12. The last known address of the Judgment Debtor Jason Dyken is 2238 West Beach Blvd, Gulf Shores, AL 36542.
- 13. The last known address of the Judgment Debtor A. B. Harrison is 76 Village Trace Drive, Springville, AL 35146.
- 14. The last known address of the Judgment Debtor Debra Harrison is 5025 Kelly Creek St, Moody, AL, 35004.
- 15. The last known address of the Judgment Debtor Donald P. Kelly Jr is 370 S. Sage Ave, Mobile, AL, 36606.
- 16. The last known address of the Judgment Debtors Stephen C. Lawler and Jennifer Lawler is 12821 Georgetowne Rd, Dunlap, IL, 61525.
- 17. The last known address of the Judgment Debtors Joseph Scott Raley and Sue Raley is PO Box 2077, Gulf Shores, AL, 36547.
- 18. The last known address of the Judgment Debtor Frances Saint, in her capacity as Personal Representative of the Estate of John B. Saint, is 6601 Chimney Top Drive S, Mobile, AL, 36695.
- 19. The last known address of the Judgment Debtor Chester J. Stefan is 1953 River Road, Mobile, AL 36605.
- 20. The last known address of the Judgment Debtor Belinda Trammel is 2113 Shortline Drive, Montgomery, AL, 36116.

21. The last known address of the Judgment Debtor Tammy Center, as Personal Representative of the Estate of Charles Trammell, is 2113 Shortline Drive, Montgomery, AL, 36116.

22. The judgment has not been assigned to anyone and there are no credits due.

Affiant Saith Further Not.

Gilbert L. Fonterot

STATE OF ALABAMA) COUNTY OF MOBILE)

SWORN TO AND SUBSCRIBED BEFORE ME this 21th day of November, 2019, by Gilbert L. Fontenot, attorney for Se Property Holdings, LLC, who is personally known to me.

NOTARY PUBLIC

My commission expires: 4-24-23





Clerk of the Circuit Court and Comptroller, Escambia County

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

September 16, 2025

SE Property Holdings LLC c/o Stephen Harvey, Attorney PO Box 350 Mobile AL 36601

Re: Tax Certificate 2022 TD 04628

Dear Mr. Harvey,

Please find the enclosed check in the amount of \$8,192.01. This amount represents payment of the claim for the surplus funds being held by the Clerk's office as a result of the tax deed sale of the real property mentioned below.

> 2022 TD 04628 Mitchell Company Inc Property sold at auction: Dog Track Rd 32506 Judgment of record OR Book 8259/1943

> > Total \$8,192.01

Sincerely, Pam Childers

Clerk of the Circuit Court & Comptroller

Mylinda K. Johnson, Deputy

Tax Deed Division

/mkj Enclosures

PAM CHILDERS CLERK OF CIRCUIT COURT & COMPTROLLER ESCAMBIA COUNTY, FLORIDA

P.O. BOX 333 PENSACOLA, FL 32591-0333 (850) 595-4140 REGISTRY ACCOUNT

Bank of America.

PENSACOLA, FLORIDA

VOID AFTER 6 MONTHS

PAY

*EIGHT THOUSAND ONE HUNDRED NINETY-TWO AND 01/100

SE PROPERTY HOLDINGS LLC

DATE

AMOUNT

TO THE ORDER OF

SE PROPERTY HOLDINGS LLC C/O STEPHEN HARVEY, ATTORNEY

PO BOX 350

MOBILE, AL 36601

PAM CHILDERS, CLERK OF COURT & COMPTROLLER

PAM CHILDERS **CLERK OF CIRCUIT COURT & COMPTROLLER** 900039482

900039482

09/11/2025 2022 TD 004628 MITCHELL COMPANY INC Case # 2022 TD 004628 Registry Check

8,192.01

900039482

09/11/2025 SE PROPERTY HOLDINGS LLC

\$8,192.01

WL85111-T3