

IN THE CIRCUIT COURT FOR SUMTER COUNTY, FLORIDA

SUMTER COUNTY, FLORIDA,)	
)	CASE NO. 2009 CA 000467
Petitioner,)	
vs.)	PARCEL: 123
)	
TURKEY RUN 2, LLC, a Florida limited liability company, et al.,)	
)	
Respondents.)	
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**STIPULATED FINAL JUDGMENT
CONCERNING PARCEL 123**

THIS CAUSE came to be considered pursuant to the attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcel 123, filed by Petitioner Sumter County (the "**County**") and Respondents Dean A. Hilborne and Roseanne R. Jones ("Respondents"). Upon reviewing the motion and the file, and being otherwise fully advised in the premises, the Court

ORDERED AND ADJUDGED:

1. The parties have reached a settlement of disputed claims, and their attached Joint Motion to Enter Stipulated Final Judgment Concerning Parcel 123 is hereby **GRANTED**.
2. On or about May 27, 2009, the County filed its petition for the purpose of acquiring Parcel 123 through eminent domain action. In accordance with the Court's August 10, 2009 Stipulated Order of Taking Concerning Parcel 123, the County timely deposited \$60,350.00 in the court registry concerning Parcel 123 on or about August 21, 2009.
3. Within 30 days from the date of this judgment, the County shall deposit the amount of \$32,650.00 into the court registry (which amount is in addition to the \$60,350.00 previously deposited), in full and complete settlement and satisfaction of any and all claims concerning Parcel 123, including but not limited to land and improvements taken, severance damages, business or special damages, and subject to any claims for apportionment.

4. The County agrees to construct three driveway connections connecting the road to the Respondents' property, at the County's expense and with approval of Respondents at the approximate locations identified within the Amended Permission to Perform Miscellaneous Construction, a copy of which is attached hereto as Exhibit "A."

5. The Respondents agree to transfer any and all right they may have regarding the southern fifteen (15) feet of SW ¼ of the SW ¼ of the SW ¼ of Section 4, Township 19 South, Range 23 East a/k/a CR 144 right-of-way by execution and delivery of the quitclaim deed, attached hereto as Exhibit "B."

6. Upon depositing and paying the foregoing amounts, the County shall be deemed to own a fee simple right of way in Parcel 123, and shall have fully and completely satisfied any and all pending claims in this case concerning Parcel 123, including but not limited to the order of taking, full compensation, land and improvements taken, severance damages, business and special damages, any other type of damages recoverable in eminent domain, interest, the value of any liens, leases, encumbrances, options, or contracts, all pending motions, and apportionment claims, but exclusive of attorney's fees and costs and expert fees and costs.

7. Any withdrawal and/or apportionment of funds deposited in the court registry concerning Parcel 123 shall be done in accordance with Sections 73.101 and 73.141, Florida Statutes.

8. The Court reserves jurisdiction to determine (a) and all compensable legal expenses, including reasonable attorneys' fees and costs, (b) expert fees and costs, (c) any requests to withdraw and/or apportion funds, and/or (d) any claims for attorneys' fees and costs resulting from any disputed apportionment proceedings.

DONE AND ORDERED, this ____ day of _____, 20____, in chambers in Bushnell, Sumter County, Florida.

Circuit Judge

I hereby certify that a true and correct copy of the above and foregoing has been furnished to each of the following named addresses by [] regular U.S. Mail and/or [] facsimile or [] hand delivery on this ____ day of _____, 20____.

Vivian Arenas-Battles, Esquire
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
(Attorney for Sumter County)

Raymer F. Maguire, III, Esquire
Fixel, Maguire and Willis
1010 Executive Center Drive, Suite 121
Orlando, FL 32803
(Attorney for Respondents: Dean A. Hilborne
and Roseanne R. Jones)

Raandi L. Morales, Esq.
Trenam Kemker, et al.
200 Central Avenue, Suite 1600
St. Petersburg, FL 33731-3542
(Attorney for Wachovia Mortgage Corporation
f/k/a First Union Mortgage Corporation)

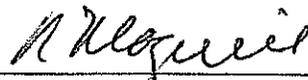
Felix M. Adams, Esquire
138 Bushnell Plaza, Suite 201
Bushnell, FL 33513
(Attorney for Tom Swain, Sumter County Tax Collector)

Judicial Assistant

**JOINT MOTION TO ENTER STIPULATED
FINAL JUDGMENT CONCERNING PARCEL 123**

Petitioner Sumter County, Florida and Respondents Dean A. Hilborne and Roseanne R. Jones, by and through their undersigned attorneys, hereby stipulate to, and move the Court to enter, the foregoing Stipulated Final Judgment Concerning Parcel 123.

Vivian Arenas-Battles, FBN 606261
David M. Caldevilla, FBN 654248
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
Telephone: (813)229-2775
COUNSEL FOR SUMTER COUNTY



Raymer F. Maguire, III, FBN 0286885
Fixel, Maguire & Willis
1010 Executive Center, Suite 121
Orlando, Florida 32803
Telephone (407) 228-9522
COUNSEL FOR RESPONDENTS

Date: _____

Date: 1/11/10

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to each of the following named addresses by regular U.S. Mail and/or facsimile or hand delivery on this _____ day of _____, 20__.

Raandi L. Morales, Esq.
Trenam Kemker, et al.
200 Central Avenue, Suite 1600
St. Petersburg, FL 33731-3542
(Attorney for Wachovia Mortgage Corporation
f/k/a First Union Mortgage Corporation)

Felix M. Adams, Esquire
138 Bushnell Plaza, Suite 201
Bushnell, FL 33513
(Attorney for Tom Swain, Sumter County Tax Collector)

Raymer F. Maguire, III, Esquire
Fixel, Maguire and Willis
1010 Executive Center Drive, Suite 121
Orlando, FL 32803
(Attorney for Respondents: Dean A. Hilborne
and Roseanne R. Jones)

Vivian Arenas-Battles

AMENDED
PERMISSION TO PERFORM MISCELLANEOUS CONSTRUCTION

**Dean A. Hilborne
Roseanne R. Jones
7085 CR 139
Wildwood, FL 34785**

**Re: County Road 139/County Road 462 Road Improvement Project
Parcel No. 123
Tax I.D. No. G04=011**

We, **Dean A. Hilborne and Roseanne R. Jones**, owners of the property located at **7085 CR 139, Wildwood, FL 34785**, and with driveway locations identified as being located at approximately **Sta. 36+35, Sta. 37+70 and 35+50** on CR 139 in Sumter County, Florida, hereby authorize Sumter County and/or their contractors, agents, or assigns to perform the construction necessary to harmonize the driveway locations as listed above without cost to us conditioned upon the following terms as set forth below.

The County shall harmonize the driveways located at Sta. 36+35 and Sta. 37+70 to a grade not exceeding 10% and the driveway located at Sta. 35+50 to a slope not exceeding 5%, pursuant to Exhibit "A" attached hereto.

We understand and agree that this work is to be done on our property with our full consent, and we hereby waive any claims for monetary and non-monetary damages concerning the subject matter of the agreement. We further agree to not seek any monetary or non-monetary damages concerning these driveways in the eminent domain action pending in **Sumter County, Florida v. Turkey Run 2, LLC, et al., Case No. 2009-CA-000467**.

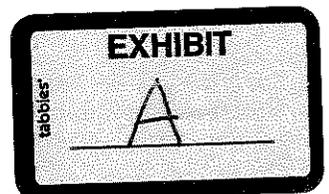
Signed: _____
Dean A. Hilborne

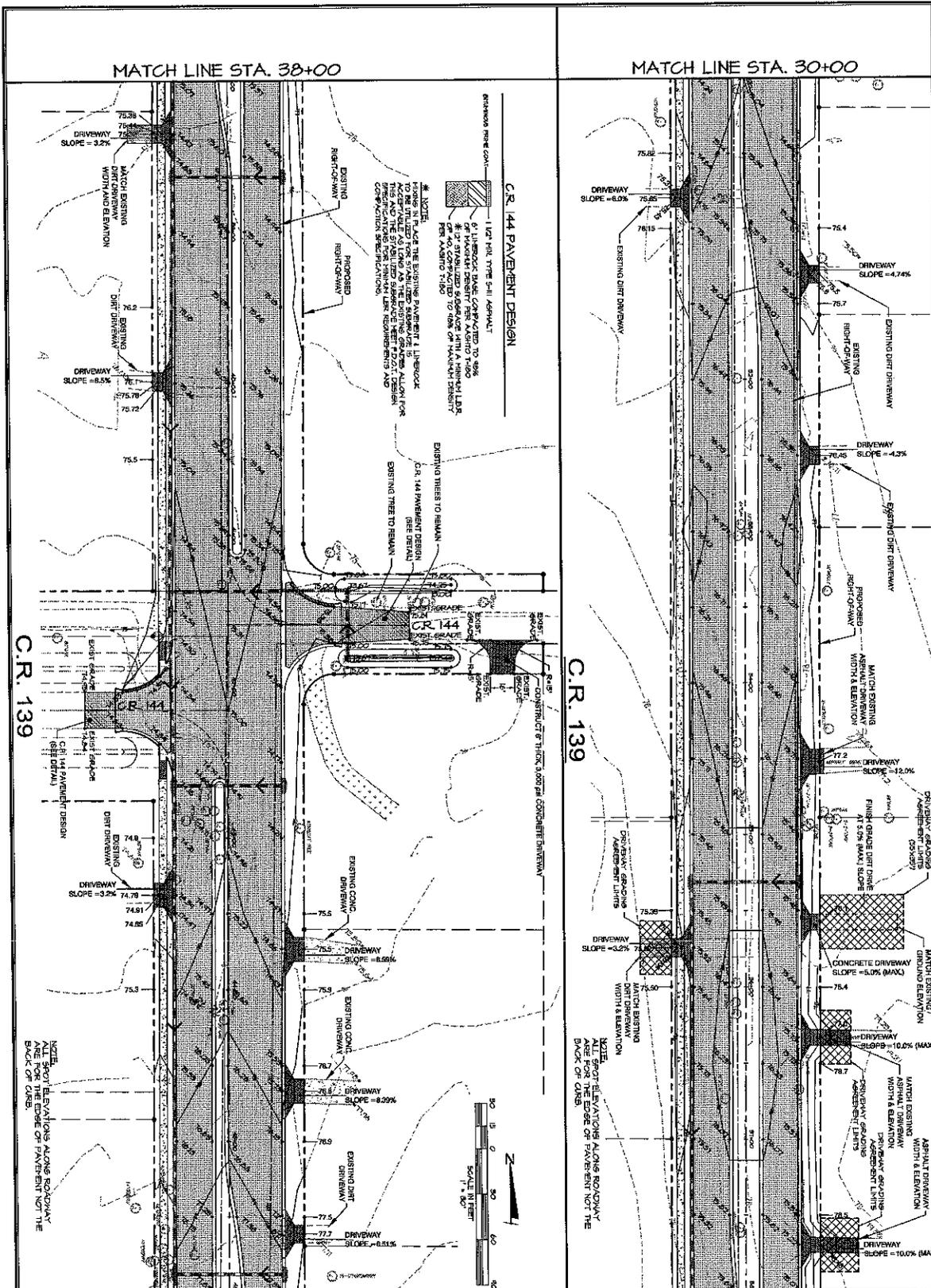
Date: _____

Signed: _____
Roseanne R. Jones

Date: _____

cc: Farner Barley and Associates, Inc.
Vivian Arenas-Battles, Esq.
Dean A. Hilborne and Roseanne R. Jones, Property Owners
Raymer F. Maguire, III, Esq.





DATE: 12/20/01
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT NO.: 2001-01-01

SUMNER COUNTY
 C.R. 139 PH I SEG. A, B & C

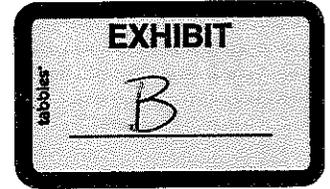
GRADING DETAIL SHEET
 STA. 30+00 TO STA. 46+00

ENGINEER:
 ROBERT C. FARRER, P.E. # 21890
 DATE:

DATE	REVISIONS	BY
12-20-01	Revised sheet to include grading and CR 144 pavement design	JBB
1-1-02	Revised spot grades & drainage	JBB

This instrument prepared by:

Vivian Arenas-Battles
de la Parte & Gilbert, P.A.
101 E. Kennedy Blvd, Suite 2000
Tampa, FL 33602



QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED is executed this ____ day of _____, 20 ____, by Dean A. Hilborne, a single man, and Roseanne R. Jones, a single woman, whose address is 7085 CR 139, Wildwood, FL 34785, ("Grantors"), to Sumter County, Florida ("Grantee") (wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors, and assigns of organizations).

WITNESSETH:

WHEREAS, the Grantors represent that they are the fee owners of the real property located in Sumter County, Florida described as:

SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; **LESS** COUNTY ROAD RIGHT OF WAY.

NOW THEREFORE, in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors do hereby remise, release and quit-claim unto the said grantee forever all the right, title, interest, claim and demand which the Grantors have in and to the following described property:

THE SOUTH FIFTEEN (15) FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; **LESS** THE NORTHERLY ONE (1) FOOT OF THE EAST 457 FEET THEREOF.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantors, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Witnesses:

Grantor:

Signature

Dean A. Hilborne

Print Name

Signature

Print Name

**STATE OF FLORIDA
COUNTY OF SUMTER**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Dean A. Hilborne, who is personally known to me or who has produced _____ as identification.

Notary Public

Witnesses:

Grantor:

Signature

Roseanne R. Jones

Print Name

Signature

Print Name

**STATE OF FLORIDA
COUNTY OF SUMTER**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Roseanne R. Jones, who is personally known to me or who has produced _____ as identification.

Notary Public