

APPENDIX A

- Fla 2nd DCA PER CURIAM Affirmed Opinion filed on May 20, 2020.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

LEROY E. SCOTT and LINDA J. SCOTT,)

Appellants,)

v.)

Case No. 2D19-2758

CITY OF ST. PETERSBURG, a political)
subdivision of the State of Florida; and)
ALLIANCE MORTGAGE COMPANY,)

Appellees.)
_____)

Opinion filed May 20, 2020.

Appeal from the Circuit Court for Pinellas
County; Thomas M. Ramsberger, Judge.

Leroy E. Scott and Linda J. Scott, pro se.

Bradley S. Tennant, Assistant City Attorney,
St. Petersburg, for Appellee City of St.
Petersburg.

No appearance for Appellee Alliance
Mortgage Company.

PER CURIAM.

Affirmed.

KELLY, BLACK, and SLEET, JJ., Concur.

APPENDIX B

- Fla 2nd DCA Order denying Appellants' Motion for Issuance of a Written Opinion, Rehearing or in the alternative, Rehearing *en banc* enter on July 29, 2020.

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

July 29, 2020

CASE NO.: 2D19-2758
L.T. No.: 2018CA005043XXCICI

LEROY SCOTT AND LINDA J. SCOTT v. CITY OF ST. PETERSBURG

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellants' motion for issuance of a written opinion, rehearing or in the alternative, rehearing en banc is denied.


I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

BRADLEY S. TENNANT, ESQ.
LEROY SCOTT
KEN BURKE, CLERK

MATTHEW D. WEIDNER, ESQ.
LINDA J. SCOTT

mep



Mary Elizabeth Kuenzel
Clerk



APPENDIX C

- Summons, Notice of Lis Pendens, and Complaint filed in Florida 6th Judicial Circuit Court, Civil Division on August 1, 2018.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,

CASE NO.:

v.

LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.

SUMMONS

THE STATE OF FLORIDA

SERVED
DATE 8-8-18 TIME 2:10p

WAYNE Z. POLLOCK
C.P.S. # 856 P.B.C.

To All and Singular the Sheriffs of the State:

YOU ARE COMMANDED to serve this summons and a copy of the complaint and attachments to the Defendant:

LINDA J. SCOTT

Each defendant is required to serve written defense to the complaint or petition on plaintiff's attorney, to wit: **MATTHEW D. WEIDNER, ESQUIRE**, whose address is **250 Mirror Lake Drive North, St. Petersburg, Florida 33701** WITHIN 20 DAYS AFTER SERVICE OF THIS SUMMONS ON THAT DEFENDANT, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's attorney or immediately thereafter. IF A DEFENDANT FAILS TO DO SO, A DEFAULT WILL BE ENTERED AGAINST THAT DEFENDANT FOR THE RELIEF DEMANDED IN THE COMPLAINT OR PETITION.

← copy
←

WITNESS my hand and seal of this Court on AUG 01 2018, 2018.

Clerk of the Circuit Court

By: Kimberly Koral
As Deputy Clerk



KEN BURKE CLERK CIRCUIT COURT
315 Court Street
Clearwater, Pinellas County, FL 33756-5165

ORIGINAL

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,**

CASE NO.:

v.

**LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.**

NOTICE OF LIS PENDENS

TO THE DEFENDANTS AND ALL OTHER WHOM IT MAY CONCERN

**YOU ARE HEREBY NOTIFIED of the institution of this action by Plaintiff against you
involving title to the following properties in Pinellas County, Florida:**

**Lot 13, Annhurst Subn, according to the map or plat thereof as recorded in Plat
Book 22, Page 68, Public Records of Pinellas County, Florida.**

PARCEL ID # 36-31-16-01152-000-0130

Commonly referred to as 2703 18TH ST S, ST. PETERSBURG, FL

**THE NATURE OF THE ACTION IS A COMPLAINT TO FORECLOSE MUNICIPAL
LIENS IMPOSED AGAINST THE PROPERTY AND OWNED BY THE CITY OF ST.
PETERSBURG.**

Dated: August 1, 2018

**Weidner Law, P.A.
Counsel for Plaintiff
250 Mirror Lake Dr., N.
St. Petersburg, FL 33701
Telephone: (727) 954-8752
Designated Email for Service:
service@mattweidnerlaw.com**

**By: s/ Matthew D. Weidner
Matthew D. Weidner, Esq.
Florida Bar No. 185957**

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,**

CASE NO.:

v.

**LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.**

PLAINTIFF'S COMPLAINT

Plaintiff CITY OF ST. PETERSBURG, a political subdivision of the State of Florida ("Plaintiff"), by and through undersigned counsel, sues LEROY E. SCOTT ("Leroy"); LINDA J. SCOTT ("Linda"); and ALLIANCE MORTGAGE COMPANY ("the Bank") and alleges as follows:

INTRODUCTION

1. Leroy and Linda own and possess the following described non-homestead real property:

Lot 13, Annhurst Subn, according to the map or plat thereof as recorded in Plat Book 22, Page 68, Public Records of Pinellas County, Florida.

PARCEL ID # 36-31-16-01152-000-0130

Commonly referred to as 2703 18TH ST S, ST. PETERSBURG, FL

("the Property").

2. The failure to maintain the Property has eroded the Property's condition and, more importantly, has led to the imposition of multiple municipal liens.

NATURE OF CLAIM, JURISDICTION, AND VENUE

3. This is an action to foreclose all liens owned and held by the City of St. Petersburg.
4. This Court has subject-matter jurisdiction over this action pursuant to Fla. Stat. §26.012.

5. Venue is proper because the real property is located in Pinellas County and because the events complained of occurred in Pinellas County.

COUNT I

Foreclosure of Municipal Liens Imposed Against the Property

6. Plaintiff re-incorporates and re-alleges paragraphs 1-5 as if fully stated herein.
7. This is an action in equity to foreclose municipal liens imposed against the Property.
8. Plaintiff is the owner and holder of the municipal assessment liens imposed against the Property.
9. The municipal liens are recorded in the Official Records of Pinellas County at the following Book and Page numbers:

O.R. Book 9359, Page 330, O.R. Book 9391, Page 56, O.R. Book 11032, Page 2628, O.R. Book 12202, Page 1038, O.R. Book 12251, Page 600, O.R. Book 12309, Page 124, O.R. Book 12497, Page 1088; O.R. Book 10934, Page 2096; O.R. Book 13491, Page 2466; O.R. Book 15611, Page 2638; O.R. Book 16794, Page 2536; O.R. Book 16869, Page 2525; O.R. Book 17132, Page 924; O.R. Book 17422, Page 1919; O.R. Book 17575, Page 1065; O.R. Book 17806, Page 930; O.R. Book 18294, Page 2618; O.R. Book 18549, Page 437; O.R. Book 18602, Page 873; O.R. Book 18733, Page 2130; O.R. Book 18861, Page 1229; O.R. Book 19000, Page 963; O.R. Book 19045, Page 2281; O.R. Book 19063, Page 2676; O.R. Book 19323, Page 757; O.R. Book 19541, Page 1479; O.R. Book 19900, Page 1683; O.R. Book 19963, Page 443; O.R. Book 19996, Page 1603 and O.R. Book 20037, Page 493.
10. Principal and interest balance are due on the municipal liens imposed against the Property, plus attorney's fees, late charges, costs, and title search expenses.
11. The Property is not, nor can it be, homestead property and therefore the protections afforded under Article X, Section 4 of the Florida Constitution do not apply.
12. There have been no payments on any of the municipal liens.

13. Plaintiff has also complied with all conditions precedent to the filing of this lawsuit or those conditions have otherwise been waived.

14. The Bank may claim an interest in the Property pursuant to a mortgage recorded in the Official Records of Pinellas County, Florida at Book 4198, Page 434 and assigned to it by assignment recorded at O.R. Book 5660, Page 110, but said interest is inferior and subject to Plaintiff's municipal liens because the statute of repose has run on the mortgage.

15. Plaintiff is obligated to pay Weidner Law, P.A. a reasonable attorney's fee for the services rendered in this lawsuit and is entitled to recover these fees and all other court costs it incurs.

WHEREFORE, Plaintiff requests that the Court:

- A. Adjudge that Plaintiff has liens on the Property and that all defendants named herein be foreclosed;
- B. Order an accounting to be taken under its direction determining what sums are due and owing to Plaintiff for the principal and interest on the liens herein described and protecting Plaintiff's liens on the Property;
- C. Enter judgment in Plaintiff's favor in the amount determined by the accounting;
- D. Order that, in default of payment of the judgment, the Property be sold according to the law and that the proceeds from the sale be paid to Plaintiff to satisfy the judgment;
- E. Order that the proceeds of the foreclosure sale also be used to direct payment of any unpaid municipals or installments thereof imposed or falling due since the institution of this lawsuit or, alternatively, order that the foreclosure sale is made subject to such municipals;

- F. Order that all court costs, including reasonable attorney's fees and any additional relief that the court deems appropriate, be awarded to Plaintiff; and
- G. Retain jurisdiction to award such other relief as the court may allow, including, the award of a deficiency against the owner of the Property at the time of the municipal lien.

Dated: August 1, 2018

Weidner Law, P.A.
Counsel for Plaintiff
250 Mirror Lake Dr., N.
St. Petersburg, FL 33701
Telephone: (727) 954-8752
Designated Email for Service:
service@mattweidnerlaw.com

By: s/ Matthew D. Weidner
Matthew D. Weidner, Esq.
Florida Bar No. 185957

APPENDIX D

- 7 “Code Enforcement Board Fines” liens
- 1 representative “Special Assessments” lien

INST # 96-148804
MAY 31, 1996 4:45PM

ORDER IMPOSING LIEN

PINELLAS COUNTY FLA.
OFF.REC.BK 9359 PG 330

STATE OF FLORIDA
COUNTY OF PINELLAS

ITEM # 33

BEFORE ME, the undersigned authority, personally appeared Samuel Kirkland who, being duly sworn, says:


1. He is the Chairperson of the Code Enforcement Board of the City of St. Petersburg, Florida.
2. In Case(s) 95-28050 brought before the Board, said Board imposed a fine (penalty) pursuant to its lawful authority under Chapter 162, F.S. and City Code against SCOTT, LEROY E. in the amount of \$100.00 per day.
3. The Board hereby finds that the violation was in existence on: 5-20-96 to 5-21-96
4. By law, the above fine (penalty) constitutes a lien upon any real or personal property owned by SCOTT, LEROY E. and upon the following described property which according to the public records of Pinellas County, Florida is owned by SCOTT, LEROY E.:

2703 18TH ST S
ANNHURST
LOT 13

5. This lien is hereby certified in the amount of \$200.00.


CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME THIS 24 DAY OF May, 1996.


Notary Public

My Commission Expires:



MARGARET E. JACOBS
MY COMMISSION # CC326066 EXPIRES
November 3, 1997
BONDED THRU TRISTY FARM INSURANCE, INC.

RETURN THIS INSTRUMENT TO:

Margaret Jacobs, Codes Compliance
P. O. Box 2842, St. Petersburg, FL 33731

M2

600 R-

600

INST # 96-180543
JLY 2, 1996 4:44PM

ORDER IMPOSING LIEN

PINELLAS COUNTY FLA.
OFF.REC.BK 9391 PG 56

STATE OF FLORIDA
COUNTY OF PINELLAS

ITEM # 42

BEFORE ME, the undersigned authority, personally appeared Samuel Kirkland who, being duly sworn, says:

1. He is the Chairperson of the Code Enforcement Board of the City of St. Petersburg, Florida.

2. In Case(s) 95-28050 brought before the Board, said Board imposed a fine (penalty) pursuant to its lawful authority under Chapter 162, F.S. and City Code against SCOTT, LEROY E. in the amount of \$100.00 per day.

3. The Board hereby finds that the violation was in existence on: May 22 - June 25, 1996

4. By law, the above fine (penalty) constitutes a lien upon any real or personal property owned by SCOTT, LEROY E. and upon the following described property which according to the public records of Pinellas County, Florida is owned by SCOTT, LEROY E.:

2703 18TH ST. S
ANNHURST
LOT 13

5. This lien is hereby certified in the amount of \$3,500.00.

[Signature]
CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28 DAY OF June, 1996.

Margaret Jacobs
Notary Public



MARGARET E. JACOBS
MY COMMISSION # GC326045 EXPIRES
November 3, 1997
BONDED THRU TROY FARM INSURANCE, INC.

My Commission Expires:

RETURN THIS INSTRUMENT TO:

Margaret Jacobs, Codes Compliance
P. O. Box 2842, St. Petersburg, FL 33731

M2

600R
EC _____
L-1 _____
FLES _____
MYF _____
P/C _____
REV _____
TOTAL 600

ORDER IMPOSING LIEN

ITEM # C-73

STATE OF FLORIDA, COUNTY OF PINELLAS

BEFORE ME, the undersigned authority,
personally appeared JIM BEDINGHAUS who,
being duly sworn, says:

1. S/he is the Chairperson of the
Code Enforcement Board of the
City of St. Petersburg, Florida.

2. In Case(s) 99-26871
brought before the Board, said Board imposed a fine (penalty) pursuant to its
lawful authority under Chapter 162, F.S. and City Code against
SCOTT, LEROY E * in the amount of \$100.00 per day.

3. The Board hereby finds that the violation was in existence on:
8-16-00 to 8-23-00

4. By law, the above fine (penalty) constitutes a lien upon any real or
personal property owned by SCOTT, LEROY E * and upon the
following described property which according to the public records of Pinellas
County, Florida is owned by SCOTT, LEROY E *:

Parcel # 36/31/16/01152/000/0130/
2703 18TH ST S
ANNHURST
LOT 13
TOWN APTS NO. 2 CONDO
BLDG C, UNIT 18

5. This lien is hereby certified in the amount of \$800.00

Margaret Jacobs
CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25 DAY OF Aug., 2000.

Margaret Jacobs
Notary Public

My Commission Expires:

RETURN THIS INSTRUMENT TO: Margaret Jacobs, Codes Compliance
(M2) P. O. Box 2842, St. Petersburg, FL 33731

I, MARGARET JACOBS, RECORDS CUSTODIAN FOR THE CITY OF ST.
PETERSBURG, FLORIDA, CODE ENFORCEMENT BOARD, CERTIFY THAT THE
ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL
AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY OF ST. PETERSBURG,
FLORIDA. EXECUTED THIS 29 DAY OF Aug., 2000.
MARGARET JACOBS, CODE ENFORCEMENT BOARD RECORDS CUSTODIAN
CITY OF ST. PETERSBURG, FLORIDA

BY: Margaret Jacobs

02-390455 SPT- 5-2002 12:17pm
PINELLAS CO BK 12202 PG 1038

STATE OF FLORIDA, COUNTY OF PINELLAS

BEFORE ME, the undersigned authority,
personally appeared ~~XXXXXXXXXXXX~~ who
being duly sworn, says: *Sheldon Schwartz*

1. He is the Chairperson of the Code Enforcement Board of the City of St. Petersburg, Florida.

2. In Case(s) 1-23783
brought before the Board, said Board imposed a fine (penalty) pursuant to its lawful authority under Chapter 162, F.S. and City Code against SCOTT, LEROY E * in the amount of \$100.00 per day.

3. The Board hereby finds that the violation was in existence on: 8-19-02 to 8-28-02

4. By law, the above fine (penalty) constitutes a lien upon any real or personal property owned by SCOTT, LEROY E * and upon the following described property which according to the public records of Pinellas County, Florida is owned by SCOTT, LEROY E *:

Parcel # 36/31/16/01152/000/0130/
2703 18TH ST S
ANNHURST
LOT 13

5. This lien is hereby certified in the amount of \$1,000.00

CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME/THIS 30 DAY OF July, 2002.

Notary Public

My Commission Expires:



Margaret E. Jacobs
MY COMMISSION # DD059440 EXPIRES
/ November 3, 2005
BONDED THRU TROY FARM INSURANCE, INC.

RETURN THIS INSTRUMENT TO: Margaret Jacobs, Codes Compliance
(M2) P. O. Box 2842, St. Petersburg, FL 33731

I, MARGARET JACOBS, RECORDS CUSTODIAN FOR THE CITY OF ST. PETERSBURG, FLORIDA, CODE ENFORCEMENT BOARD, CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY OF ST. PETERSBURG, FLORIDA. EXECUTED THIS 5 DAY OF Sept. 2002.
MARGARET JACOBS, CODE ENFORCEMENT BOARD RECORDS CUSTODIAN
CITY OF ST. PETERSBURG, FLORIDA

BY:

PAGES 2
ACCT
RFC 600
DE219
IN
UNIT
FILE
LIFE
FLO
NEW
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ORDER IMPOSING LIEN

ITEM # C-61

02-363736 OCT- 1-2002 3:24pm
PINELLAS CO BK 12251 PG 800

STATE OF FLORIDA, COUNTY OF PINELLAS

BEFORE ME, the undersigned authority,
personally appeared JOHN OXLEY who,
being duly sworn, says:

1. He is the Chairperson of the
Code Enforcement Board of the
City of St. Petersburg, Florida.

2. In Case(s) 1-23783

brought before the Board, said Board imposed a fine (penalty) pursuant to its
lawful authority under Chapter 162, F.S. and City Code against
SCOTT, LEROY E * in the amount of \$100.00 per day.

3. The Board hereby finds that the violation was in existence on:

8-29-02 to 9-25-02

4. By law, the above fine (penalty) constitutes a lien upon any real or
personal property owned by SCOTT, LEROY E * and upon the
following described property which according to the public records of Pinellas
County, Florida is owned by SCOTT, LEROY E *:

Parcel # 36/31/16/01152/000/0130/
2703 18TH ST S
ANNHURST
LOT 13

5. This lien is hereby certified in the amount of \$2,800.00.

John Oxley
CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME THIS 27 DAY OF Sept., 2002.

Margaret E. Jacobs
Notary Public

My Commission Expires:



Margaret E. Jacobs
MY COMMISSION # DD059440 EXPIRES
November 3, 2005
BONDED THROUGH FARM INSURANCE, INC.

RETURN THIS INSTRUMENT TO: Margaret Jacobs, Codes Compliance
(M2) P. O. Box 2842, St. Petersburg, FL 33731

I, MARGARET JACOBS, RECORDS CUSTODIAN FOR THE CITY OF ST.
PETERSBURG, FLORIDA, CODE ENFORCEMENT BOARD, CERTIFY THAT THE
ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL
AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY OF ST. PETERSBURG,
FLORIDA. EXECUTED THIS 30 DAY OF Sept., 2002.
MARGARET JACOBS, CODE ENFORCEMENT BOARD RECORDS CUSTODIAN
CITY OF ST. PETERSBURG, FLORIDA

BY: Margaret Jacobs

PAGES 12
NOT 600
REC
INDEXED
FILED
MAY 1 2002
ST. PETERSBURG, FL
600

ORDER IMPOSING LIEN

ITEM # C-63

STATE OF FLORIDA, COUNTY OF PINELLAS

BEFORE ME, the undersigned authority,
personally appeared JOHN OXLEY who,
being duly sworn, says:

1. He is the Chairperson of the
Code Enforcement Board of the
City of St. Petersburg, Florida.

2. In Case(s) 1-23783
brought before the Board, said Board imposed a fine (penalty) pursuant to its
lawful authority under Chapter 162, F.S. and City Code against
SCOTT, LEROY E * in the amount of \$ 100.00 per day.

3. The Board hereby finds that the violation was in existence on:

9-26-02 to 10-23-02

4. By law, the above fine (penalty) constitutes a lien upon any real or
personal property owned by SCOTT, LEROY E * and upon the
following described property which according to the public records of Pinellas
County, Florida is owned by SCOTT, LEROY E *:

Parcel # 36/31/16/01152/000/0130/
2703 18TH ST S
ANNHURST
LOT 13

5. This lien is hereby certified in the amount of \$ 2,800.00.

[Signature]
CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25 DAY OF Oct., 2002.

[Signature]
Notary Public

My Commission Expires:



Margaret E. Jacobs
MY COMMISSION # DD059448 EXPIRES
November 3, 2005
BONDED THRU TROY FARM INSURANCE, INC.

RETURN THIS INSTRUMENT TO: Margaret Jacobs, Codes Compliance
(M2) P. O. Box 2842, St. Petersburg, FL-33731

I, MARGARET JACOBS, RECORDS CUSTODIAN FOR THE CITY OF ST.
PETERSBURG, FLORIDA, CODE ENFORCEMENT BOARD, CERTIFY THAT THE
ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL
AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY OF ST. PETERSBURG,
FLORIDA. EXECUTED THIS 28 DAY OF Oct., 2002.
MARGARET JACOBS, CODE ENFORCEMENT BOARD RECORDS CUSTODIAN
CITY OF ST. PETERSBURG, FLORIDA

By: [Signature]

PAGES 1
REC 600
DA219
FM
INT
FEE
MTF
PVC
REV
TOTAL 600
CK BAL
CHG AMT

ORDER IMPOSING LIEN

ITEM # C-76

STATE OF FLORIDA, COUNTY OF PINELLAS

BEFORE ME, the undersigned authority,
personally appeared ANTHONY CAPALBO
who, being duly sworn, says:

03-033591 JAN-28-2003 8:56 AM
PINELLAS CO BK 12497 PG 1088
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

1. He is the Chairperson of the Code Enforcement Board of the City of St. Petersburg, Florida.
2. In Case(s) 01-00023783 brought before the Board, said Board imposed a fine (penalty) pursuant to its lawful authority under Chapter 162, F.S. and City Code against SCOTT, LEROY E * in the amount of \$100.00 per day.
3. The Board hereby finds that the violation was in existence on 10-24-02 to 1-22-03.
4. By law, the above fine (penalty) constitutes a lien upon any real or personal property owned by SCOTT, LEROY E * and upon the following described property which according to the public records of Pinellas County, Florida is owned by SCOTT, LEROY E *:

Parcel # 36/31/16/01152/000/0130/
2703 18TH ST S
ANNHURST
LOT 13

PAGES 10
ACCT 10
HEC 10
DR219 10
DS 10
INT 10
FES 10
MTF 10
P/C 10
REV 10
TOTAL 10
CK BAL 10
CHG AMT 10

5. This lien is hereby certified in the amount of \$9,100.00.

Cory Capalbo
CHAIRPERSON, Code Enforcement Board

SWORN TO AND SUBSCRIBED BEFORE ME THIS 24 DAY OF Jan., 2003

Margaret E. Jacobs
Notary Public

My Commission Expires:



Margaret E. Jacobs
MY COMMISSION # 00059440 EXPIRES
November 3, 2005
BONDED THROUGH FARM INSURANCE, INC.

RETURN THIS INSTRUMENT TO:

Margaret Jacobs, Codes Compliance Assistance Department
P. O. Box 2842, St. Petersburg, FL 33731

M2

I, MARGARET JACOBS, RECORDS CUSTODIAN FOR THE CITY OF ST. PETERSBURG, FLORIDA, CODE ENFORCEMENT BOARD, CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY OF ST. PETERSBURG, FLORIDA. EXECUTED THIS 27 DAY OF Jan., 2003
MARGARET JACOBS, CODE ENFORCEMENT BOARD RECORDS CUSTODIAN
CITY OF ST. PETERSBURG, FLORIDA

BY: Margaret Jacobs

THIS INSTRUMENT WAS PREPARED BY

AND RETURN TO:

Name: Quinnon Sinclair, Supervisor

Dept: Billing and Collections Special Assessments

City of St. Petersburg, Florida

P. O. Box 2842

St. Petersburg, FL 33731

Charge Authorized by: R. Richard Bulger, Director, Billing and Collections

PAGES 17
ACCT
REC 2800
DR219
DS
INT
FEES 742.00
MTF
P/C
REV
TOTAL 2200
CK BAL
CHG AMT

01-034676 FEB- 5-2001 11:53 AM
PINELLAS CO BK 11212 PG 1847
1 PRIORITY PRINTING PRESS

SPECIAL ASSESSMENT TYPE: LCA 1257

CITY OF ST. PETERSBURG, FLORIDA
CERTIFICATE OF INDEBTEDNESS

In accordance with the Code, Resolutions, and Ordinances of the City of St. Petersburg, Florida (hereinafter "City"), whose address is P. O. Box 2842, St. Petersburg, Florida 33731, the Mayor of said City hereby issues this Certificate of Indebtedness, for the amount(s) set forth in the attached exhibit(s) numbered 1 to 16 against real property located in St. Petersburg, Pinellas County, Florida, as described in said exhibit(s), which amounts represent assessments against abutting or benefitted property for the cost of the following improvement, to wit: LAND CLEARING. Said assessments were confirmed by the City Council of the City; remain liens superior in dignity to all other liens, except for taxes, upon the respective lots and parcels of land assessed; and shall bear interest at the rate of 10% percent per annum, with a delinquent rate of interest of eighteen percent (18%) per annum on the unpaid balance when any installment is two or more years past due. Failure to pay any installment of interest or principal of any assessment when such installment shall become due, shall, without notice or other proceedings, cause all installments of principal remaining unpaid to be forthwith due and payable, and the City or the holder of the Certificate may proceed to enforce the lien of the assessment and certificate as is provided by law.

The amounts set forth are payable to the City or its assignee. Any assignment of this Certificate must appear upon the Certificate itself and also upon the books of the City in order for the assignment to be legal and binding. This Certificate shall not be, nor shall it be construed to be, an obligation, either general or special, of the City of St. Petersburg, Florida, but shall be only an obligation and lien on the property herein described.

Attest:
Name: Jane K. Brown
Title: City Clerk

City of St. Petersburg, Florida

Name: David J. Fischer
Title: Mayor

STATE OF FLORIDA

COUNTY OF PINELLAS



The foregoing instrument was acknowledged before me this 27th day of January, 2001, by David J. Fischer as Mayor and Jane K. Brown as City Clerk on behalf of the City of St. Petersburg, who are personally known to me and who appeared before me at the time of notarization.



Cathy E. Davis
MY COMMISSION # C0823007 EXPIRES
March 12, 2001
BONDED THRU TROY PAID INSURANCE, INC.

NOTARY PUBLIC, State of Florida

Sign: Cathy E. Davis
Print: Cathy E. Davis

(SEAL)

Page 1

SASB02R

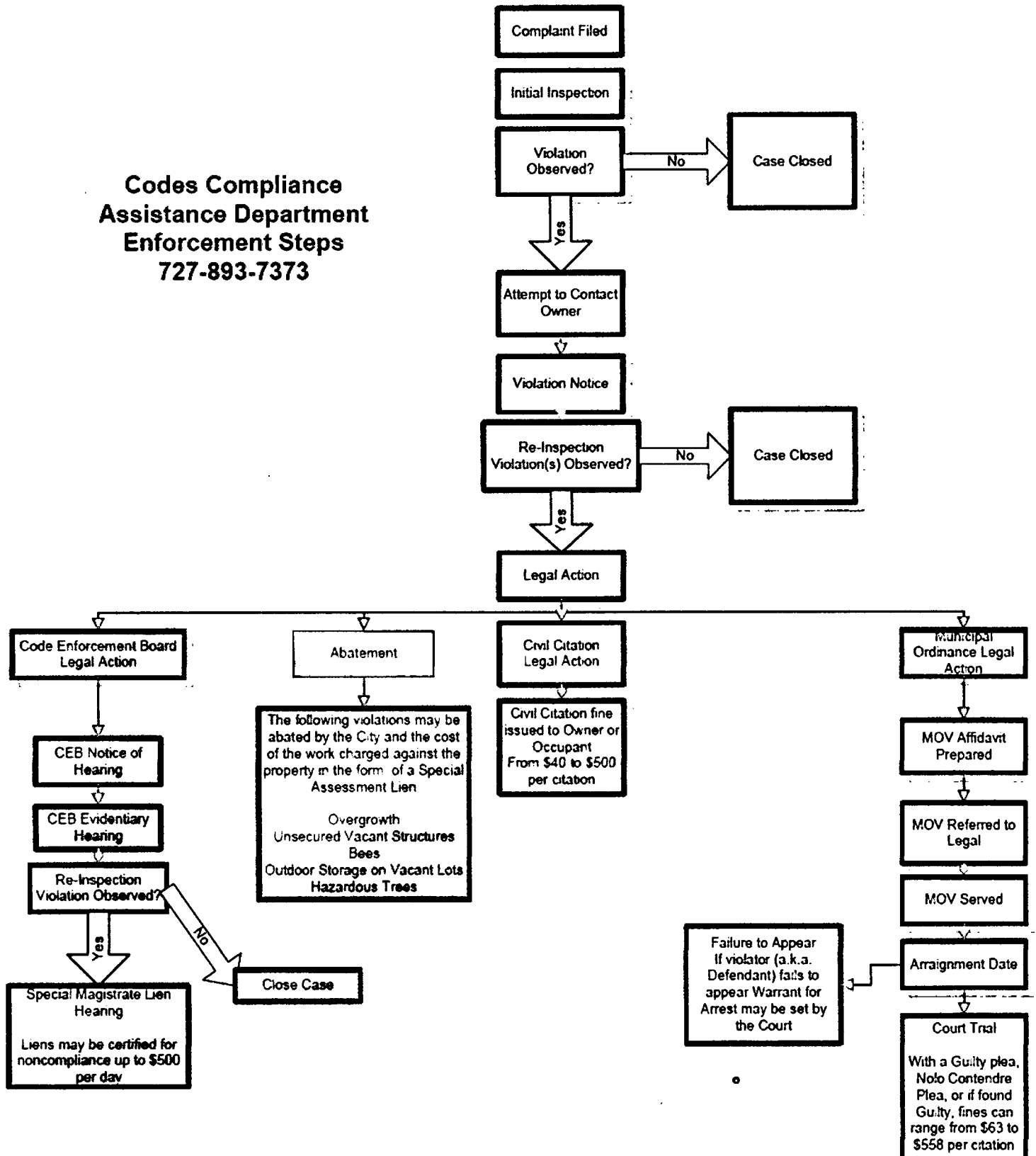
2

APPENDIX E

- St. Petersburg Code Compliance Assistance Department Enforcement Steps flowchart printed from website on the bottom of the document.

Enforcement Steps

Codes Compliance Assistance Department Enforcement Steps 727-893-7373



APPENDIX F

- Proposed Order Ruling on 3 Plaintiff's Motion that was heard on September 20, 2018. It was mailed to the Defendants on September 24, 2018.
- Proposed Order with cover letter that was sent to Judge Jack Day. It was mailed to the Defendants on September 28, 2018.
- Fla 6th Judicial Circuit Court Order on 3 Plaintiff's Motions and 1 Defendants' Motion signed by Judge Jack Day on September 27, 2018.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,

CASE NO.: 18-5043-CI

v.

LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE JURY TRIAL DEMAND,
MOTION TO DISMISS COUNTERCLAIM, AND
MOTION TO STRIKE AFFIRMATIVE DEFENSES

THIS CAUSE came before the Court on Plaintiff's Motion to Strike Defendants' Demand for Jury Trial, Plaintiff's Motion to Dismiss Defendants' Counterclaim, and Plaintiff's Motion to Strike Defendants' Affirmative Defenses, and the Court having reviewed the file and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. Plaintiff's Motion to Strike Defendants' Demand for Jury Trial is hereby **GRANTED**.
2. Plaintiff's Motion to Dismiss Defendants' Counterclaim is hereby **GRANTED** without prejudice as to all counts. Defendants shall have ten (10) days to file an amended counterclaim if so desired.
3. Plaintiff's Motion to Strike Defendants' Affirmative Defenses is hereby **DENIED**.

DONE AND ORDERED in Pinellas County, Florida this ____ day of ____, 2018.

Circuit Court Judge

Copies to all parties on attached service list

SERVICE LIST

**MATTHEW D. WEIDNER, ESQ.,
WEIDNER LAW, P.A.
250 MIRROR LAKE DRIVE NORTH,
ST. PETERSBURG, FLORIDA 33701
SERVICE@MATTWEIDNERLAW.COM**

**ALLIANCE MORTGAGE COMPANY
C/I TIAA BANK HOME LANDING
301 W BAY STREET, 25TH FLOOR
JACKSONVILLE, FL 32202**

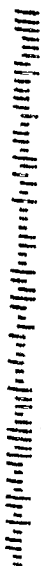
**LEROY E. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404**

**LINDA J. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404**

**Weidner Law
250 Mirror Lake Drive North
St. Petersburg, FL 33701**

**LINDA J. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404**

33404-372230



**TAMPA,
FL 335
24 SEP 1990
PM 18**

WEIDNER LAW

September 27, 2018

Honorable Jack Day
501 First Avenue North, Room 200
St. Petersburg, FL 33701

RE: Leroy E. Scott, et al. Robert Drummond
Case Number: 17-5043-CI

Dear Judge Day:

Enclosed, please find a proposed Order Granting Plaintiff's Motion to Strike Jury Trial Demand, Motion to Dismiss Counter-Claim and Motion to Strike Affirmative Defenses. If the proposed Order does not accurately reflect your rulings at the September 20th hearing in this matter, please advise.

Thank you for your time in this matter.

Respectfully,

Matthew D. Weidner, Esquire

MDW/mlp

Enclosures

cc: Leroy and Linda Scott

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,**

CASE NO.: 18-5043-CI

v.

**LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.**

**ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE JURY TRIAL DEMAND,
MOTION TO DISMISS COUNTERCLAIM, AND
MOTION TO STRIKE AFFIRMATIVE DEFENSES**

THIS CAUSE came before the Court on Plaintiff's Motion to Strike Defendants' Demand for Jury Trial, Plaintiff's Motion to Dismiss Defendants' Counterclaim, and Plaintiff's Motion to Strike Defendants' Affirmative Defenses, and the Court having reviewed the file and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. Plaintiff's Motion to Strike Defendants' Demand for Jury Trial is hereby **GRANTED**.
2. Plaintiff's Motion to Dismiss Defendants' Counterclaim is hereby **GRANTED** without prejudice to assert those same claims as Affirmative Defenses.
3. Plaintiff's Motion to Strike Defendants' Affirmative Defenses is hereby **DENIED**.
4. Defendant's Motion to Dismiss is **DENIED**. Defendant shall have 20 days from the date of this Order to file their response to the complaint.

DONE AND ORDERED in Pinellas County, Florida this ____ day of ____, 2018.


18-005043-CI 9/27/2018 2:50:35 PM
18-005043-CI 9/27/2018 2:50:35 PM
Circuit Court Judge

Copies to all parties on attached service list

SERVICE LIST

**MATTHEW D. WEIDNER, ESQ.,
WEIDNER LAW, P.A.
250 MIRROR LAKE DRIVE NORTH,
ST. PETERSBURG, FLORIDA 33701
SERVICE@MATTWEIDNERLAW.COM**

**ALLIANCE MORTGAGE COMPANY
C/I TIAA BANK HOME LANDING
301 W BAY STREET, 25TH FLOOR
JACKSONVILLE, FL 32202**

**LEROY E. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404**

**LINDA J. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404**

APPENDIX G

- Order Denying Defendant's Motion to Disqualify Judge and Scheduling Rehearing on Motion to Dismiss.

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY
CIVIL DIVISION CASE NO. 18-005043-CI**

CITY OF ST. PETERSBURG, a political
Subdivision of the State of Florida,

Plaintiff,

v.

LEROY E. SCOTT, LINDA J. SCOTT,
And ALLIANCE MORTGAGE COMPANY,

Defendants.

**ORDER DENYING DEFENDANT'S MOTION TO DISQUALIFY
JUDGE AND SCHEDULING REHEARING ON MOTION TO DISMISS**

THIS CAUSE came before the Court on Defendants' Motion to Disqualify Judge filed on October 26, 2018, in the above-styled case. Having reviewed the motion, the record, and applicable law, the Court finds that Plaintiff's motion is legally insufficient and therefore DENIED. Although legally insufficient as a motion to disqualify, the content of the motion gives reason to treat it as a motion for reconsideration/rehearing of Defendant's Motion to Dismiss. Accordingly, there shall be held a rehearing of the Motion to Dismiss on November 9, 2018 at 11:30 a.m.

DONE AND ORDERED in Chambers in St. Petersburg, Pinellas County, Florida, this ____ day of November, 2018.

Electronically Conformed 11/5/2018

Jack Day, Circuit Judge

Copies to:
Matthew D. Weidner, Esq.
250 Mirror Lake Dr. N.
St. Petersburg, FL 33701

Alliance Mortgage Company
301 W. Bay Street, 25th Floor
Jacksonville, FL 32202

Leroy E. Scott
430 West 32nd Street
Riviera Beach, FL 33404
lescott1@bellsouth.net

Linda J. Scott
430 West 32nd Street
Riviera Beach, FL 33404

- Unopposed Order on Motions

APPENDIX H

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,**

CASE NO.: 18-5043-CI

v.

**LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.**

FILED
ST. PETERSBURG BRANCH
2018 DEC -4 PM 1:40
KEVIN BURKE
CLERK OF CIRCUIT COURT
AND COMPTROLLER

UNOPPOSED ORDER ON MOTIONS

THIS CAUSE came before the Court on Plaintiff's Motion to Strike Defendants' Demand for Jury Trial, Plaintiff's Motion to Dismiss Defendants' Counterclaim, and Plaintiff's Motion to Strike Defendants' Affirmative Defenses, and the Court having reviewed the file and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. Each of the several Motions to Dismiss filed by the Scott Defendants are DENIED.
2. Those matters raised in Defendants Motions to Dismiss that may appropriately be raised by way of Affirmative Defenses or Counterclaims may be raised by Defendants in their Amended Answer, Affirmative Defenses and Counterclaim which may be filed no later than 30 days from the date of this Order.

DONE AND ORDERED in Pinellas County, Florida this 4 day of Dec, 2018.



Circuit Court Judge

Copies to all parties on attached service list

SERVICE LIST

MATTHEW D. WEIDNER, ESQ.,
WEIDNER LAW, P.A.
250 MIRROR LAKE DRIVE NORTH,
ST. PETERSBURG, FLORIDA 33701
SERVICE@MATTWEIDNERLAW.COM

ALLIANCE MORTGAGE COMPANY
C/I TIAA BANK HOME LANDING
301 W BAY STREET, 25TH FLOOR
JACKSONVILLE, FL 32202

LEROY E. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404
lescott1@bellsouth.net

LINDA J. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404

- Final Judgment

APPENDIX I

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITY OF ST. PETERSBURG, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA,**

Plaintiff,

Case No.: 18-005043-CI - 19

v.

**LEROY E. SCOTT, LINDA J. SCOTT,
ALLIANCE MORTGAGE COMPANY,**

Defendant(s),

**FILED
ST. PETERSBURG BRANCH
2019 APR 18 PM 12:45
KEN BURKE
CLERK OF CIRCUIT COURT
AND COUNTY CLERK**

FINAL JUDGMENT

THIS ACTION, was heard before the Court on City of St. Petersburg, a political subdivision of the State of Florida's Motion for Summary Judgment.

IT IS ADJUDGED that:

1. Defendant(s) were properly served.
2. Defendant(s) failed to file any affidavits or evidence which would create a genuine issue of material fact which would preclude summary judgment. Summary Judgment is undisputed as a matter of law.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the following municipal liens imposed against the property and recorded in the in the following Book and Page numbers of the Official Records of Pinellas County, Florida:

O.R. Book 11032, Page 2628, O.R. Book 12202, Page 1038, O.R. Book 12251, Page 600, O.R. Book 12309, Page 124, O.R. Book 12497, Page 1088; O.R. Book 10934, Page 2096; O.R. Book 13491, Page 2466; O.R. Book 15611, Page 2638; O.R. Book 16794, Page 2536; O.R. Book 16869, Page 2525; O.R. Book 17132, Page 924; O.R. Book 17422, Page 1919; O.R. Book 17575, Page 1065; O.R. Book 17806, Page 930; O.R. Book 18294, Page 2618; O.R. Book 18549, Page 437; O.R. Book 18602, Page 873; O.R. Book 18733, Page 2130; O.R. Book 18861, Page 1229; O.R. Book 19000, Page 963; O.R. Book 19045, Page 2281; O.R. Book 19063, Page 2676; O.R. Book 19323, Page 757; O.R. Book 19541, Page 1479; O.R. Book 19900, Page 1683; O.R. Book 19963, Page 443; O.R. Book 19996, Page 1603 and O.R. Book 20037, Page 493.

4. **VALUE OF CLAIM:** At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes (effective for actions filed on and after June 1, 2009), Plaintiff estimated the amount in controversy of the claim to be between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$31,274.72, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the following graduated filing fee scale in section 28.241(1)(a)2.d., Florida Statutes, controls:

\$400	Value of claim less than or equal to \$50,000 with 5 defendants or less
\$905	Value of claim greater than \$50,000 but less than \$250,000 with 5 defendants or less
\$1,905	Value of claim \$250,000 or greater with 5 defendants or less

If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the additional fee at least 24 hours prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$ 24,860.72
Title search expenses	\$ 250.00
Court costs:	
Filing fee and associated costs	\$ 489.00
Service of process costs	\$ 450.00
Publication for Notice of Sale	\$ 155.00
Real Foreclose Auction Fee	\$ 70.00
SUBTOTAL	\$26,274.72
Attorney's fees	\$5,000.00
TOTAL SUM	\$31,274.72

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of ^{6.57}~~6.38~~% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and

all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Pinellas County, Florida, and described as:

Lot 13, Annhurst Subn, according to the map or plat thereof as recorded in Plat Book 22, Page 68, Public Records of Pinellas County, Florida.

Property No. 36-31-16-01152-000-0130

Commonly referred to as 2703 18th St S, St. Petersburg, Fl

8. If the total sum with interest at the rate described in paragraph 5 and all costs accrued subsequent to this judgment are not paid, the Clerk of Circuit Court shall sell the subject property at public sale on May 22, 2019 (date) to the highest bidder for cash in the following location: TR

☒ In an online sale at www.pinellas.realforeclose.com, beginning at 10 a.m. on the prescribed date,

after having first given notice as required by section 45.031, Florida Statutes. Plaintiff must arrange for publication of notice of sale in accordance with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale.

The sale date set by the judgment can only be canceled and rescheduled by court order. Any motion or request to cancel this sale must be served on all parties in conformity with Florida Rule of Civil Procedure 1.080(a) and must be set for hearing with proper notice. Claiming this matter is an "emergency" does not avoid this requirement. A violation of any party's due process rights will subject the movant and/or counsel to sanctions. *See Jade Winds v. Citibank*, 63 So.3d 819 (3d DCA 2011).

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will

effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with section 689.01 or section 692.01, Florida Statutes, governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of a Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued.

12. On the filing of the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

13. On filing of the Certificate of Sale, Defendant(s) and all persons claiming under or against Defendant(s) since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property except as provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

14. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 14.29 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

15. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

If the property has qualified for the homestead tax exemption in the most recent approved tax roll, also include the following three paragraphs:

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH EITHER THE PINELLAS CLERK OF CIRCUIT COURT AT 315 COURT STREET, CLEARWATER, FL 33756, (727) 464-7000, OR THE PASCO CLERK OF CIRCUIT COURT AT 38053 LIVE OAK AVENUE, DADE CITY, FL 33523, (352) 521-4517 OR 7530 LITTLE ROAD, NEW PORT RICHEY, FL 34654, (727) 847-8176 WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION.

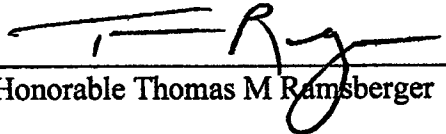
IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT A LEGAL SERVICES OFFICE, SUCH AS: GULFCOAST LEGAL SERVICES, INC., 314 S. MISSOURI AVE., SUITE 109, CLEARWATER, FL 33756, (727) 443-0657 / COMMUNITY LAW PROGRAM, 501 FIRST AVE N., ROOM 519, ST. PETERSBURG, FL 33701, (727) 582-7480 / BAY AREA LEGAL SERVICE, INC., 4948 CENTRAL AVE., ST. PETERSBURG, FL 33707, (800) 625-2257 / BAY AREA LEGAL SERVICE, INC., 37718 MERIDIAN AVENUE, DADE CITY, FL 33532 (800) 625-2257 / BAY AREA LEGAL SERVICE, INC., 8406 MASSACHUSETTS AVE, STE B-2, NEW PORT RICHEY, FL 34653, (800) 625-2257 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST ANOTHER OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

16. Upon issuance of the Certificate of Title the new owner/titleholder shall be let into possession of the property. Because of the provisions of section 83.561, Florida Statutes, the Clerk shall decline issuance of a Writ of Possession without a Court order. By using the procedures and forms found in Administrative Order 2015-043 the new owner/titleholder may obtain such an order.

17. The Court retains jurisdiction of this action to enter further Orders that are proper, including without limitation, Orders authorizing writs of possession, an award of attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment, to

enter a deficiency judgment (unless otherwise prohibited by applicable law or the parties have stipulated to a deficiency waiver for a specific party).

DONE AND ORDERED in Pinellas County, Florida, on this 17 day of April, 2019.


Honorable Thomas M Ramsberger

SERVICE LIST

Matthew Weidner, Esq.,
Weidner law,
250 Mirror Lake Dr. N.,
St. Petersburg, FL 33701

Leroy E. Scott
430 West 32nd Street,
Riviera Beach, FL 33404
lescott1@bellsouth.net

Linda J. Scott
430 West 32nd Street,
Riviera Beach, FL 33404

Alliance Mortgage Company
C/O TIAA Bank Home Landing
301 W Bay Street, 25th Floor
Jacksonville, FL 32202

APPENDIX J

- Order on Defendant's Motion for Rehearing.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,

CASE NO.: 18-5043-CI

v.

LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.

ORDER ON DEFENDANT'S MOTION FOR REHEARING

THIS MATTER, having come on consideration from the Motion for Rehearing filed by Defendants, this court having fully considered the Motion said Motion is hereby:

DENIED

GRANTED

DONE AND ORDERED in chambers on this the 8 day of May, 2019 by


Hon. Thomas Ramsberger

FILED
ST. PETERSBURG CLERK
2019 MAY -9 PM 12:40

SERVICE LIST

ALLIANCE MORTGAGE COMPANY
C/I TIAA BANK HOME LANDING
301 W BAY STREET, 25TH FLOOR
JACKSONVILLE, FL 32202

LEROY E. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404

LINDA J. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404

MATTHEW WEIDNER
(No envelope, will obtain from docket)

APPENDIX K

- Order Vacating Foreclosure Sale
- Amended (as to Sale Date) Order Vacating Foreclosure Sale

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

CITY OF ST. PETERSBURG,
a Political Subdivision of the State of Florida,
Plaintiff,

CASE NO.: 18-5043-CI-19

vs.

**LEROY E. SCOTT, LINDA J. SCOTT, AND
ALLIANCE MORTGAGE COMPANY,**
Defendants.

FILED
ST. PETERSBURG
2019 MAY 23 PM 1:31
CLERK OF COURT

ORDER VACATING FORECLOSURE SALE


THIS CAUSE came before the Court May 21, 2019, for hearing upon the Defendant's Emergency Motion for Reconsideration, Motion to Vacate Order of Summary Final Judgment and Motion to Cancel the May 22, 2019 Foreclosure Sale, filed on May 16, 2019. The Court having reviewed said Motion, the Court file, hearing testimony of the parties, and being otherwise fully advised in the premises, it is thereupon;

ORDERED AND ADJUDGED as follows:

1. The Defendant's Motion for Re-hearing/Reconsideration is **GRANTED**.
2. The Defendant's Motion to Vacate Order of Summary Final Judgment is **DENIED**.
3. A re-hearing is scheduled for Monday, June 17, 2019 at 2:30p.m. It is therefore;

ORDERED that the Foreclosure Sale on May 21, 2019, is hereby **VACATED**.

DONE AND ORDERED at St. Petersburg, Pinellas County, Florida, on May 22,
2019.



THOMAS RAMSBERGER
Circuit Judge

Copies furnished to:

Matthew Weidner, Counsel for Plaintiff, 250 Mirror Lake Drive North, St. Petersburg, FL 33701
Leroy E. and Linda J. Scott, Defendants, 430 W. 32nd Street, Riviera Beach, FL 33404

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**CITY OF ST. PETERSBURG,
a Political Subdivision of the State of Florida,
Plaintiff,**

CASE NO.: 18-5043-CI-19

vs.

**LEROY E. SCOTT, LINDA J. SCOTT, AND
ALLIANCE MORTGAGE COMPANY,
Defendants.**

**AMENDED
(AS TO SALE DATE)
ORDER VACATING FORECLOSURE SALE**

FILED
ST. PETERSBURG BRANCH
2019 MAY 28 PM 2:41
KEN BURKE
CLERK OF CIRCUIT COURT

THIS CAUSE came before the Court May 21, 2019, for hearing upon the Defendant's Emergency Motion for Reconsideration, Motion to Vacate Order of Summary Final Judgment and Motion to Cancel the May 22, 2019 Foreclosure Sale, filed on May 16, 2019. The Court having reviewed said Motion, the Court file, hearing testimony of the parties, and being otherwise fully advised in the premises, it is thereupon;

ORDERED AND ADJUDGED as follows:

1. The Defendant's Motion for Re-hearing/Reconsideration is **GRANTED**.
2. The Defendant's Motion to Vacate Order of Summary Final Judgment is **DENIED**.
3. A re-hearing is scheduled for Monday, June 17, 2019 at 2:30p.m. It is therefore;

ORDERED that the Foreclosure Sale on May 22, 2019, is hereby **VACATED**.

DONE AND ORDERED at St. Petersburg, Pinellas County, Florida, on May 24, 2019.



THOMAS RAMSBERGER
Circuit Judge

Copies furnished to:

Matthew Weidner, Counsel for Plaintiff, 250 Mirror Lake Drive North, St. Petersburg, FL 33701
Leroy E. and Linda J. Scott, Defendants, 430 W. 32nd Street, Riviera Beach, FL 33404

APPENDIX L

- Order on Defendant's Motion for Rehearing and Plaintiff's Motion for Summary Judgment.

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,

CASE NO.: 18-5043-CI

v.

LEROY E. SCOTT; LINDA J. SCOTT; and ALLIANCE MORTGAGE COMPANY,
Defendants.

ORDER ON DEFENDANT'S MOTION FOR REHEARING
AND PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

THIS MATTER, having come on consideration at the May 21, 2019, hearing on Defendant's Motion for Rehearing and Plaintiff's Motion for Summary Judgment, this Court having fully considered the Motions it is hereby

ORDERED AND ADJUDGED:

1. Defendant's Motion for Rehearing was previously **GRANTED** in a separate Order entered May 8, 2019, *ex parte*, for the efficient resolution of this matter.

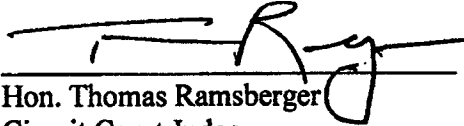
2. Pursuant to Fla. R. Civ. P. 1.510, affidavits in support of summary judgment must be filed and served at the time of the motion for summary judgment. The original summary judgment hearing took place on April 17, 2019. Plaintiff filed its Motion for Summary Judgment on October 12, 2018, but did not file its various affidavits in support of the same until after the Motion was filed.

3. Pursuant to Fla. R. Civ. P. 1.510, affidavits in opposition to summary judgment must be filed and served no less than five (5) days prior to the date of hearing. Defendant filed his Affidavit Setting Forth Such Facts and Exhibits on April 17, 2019, the day of the hearing.

4. The Court will rehear Plaintiff's Motion for Summary Judgment and further finds it would be equitable and hereby orders that all affidavits filed on or before April 17, 2019, are hereby deemed to be timely filed for the purpose of the next summary judgment hearing, ~~to be coordinated by the parties to occur within the next sixty (60) days.~~ *set for Monday June 17, 2019 at 2:30pm.*

DONE AND ORDERED in Pinellas County, Florida, this the 6 day of

JUNE, 2019.


Hon. Thomas Ramsberger
Circuit Court Judge

SERVICE LIST

Alliance Mortgage Company
C/O TIAA Bank Home Landing
301 W Bay Street, 25th Floor
Jacksonville, FL 32202

Leroy E. Scott
430 West 32nd Street
Riviera Beach, FL 33404
lescott1@bellsouth.net

Linda J. Scott
430 West 32nd Street
Riviera Beach, FL 33404
lhscott1@bellsouth.net3404

MATTHEW WEIDNER
(No envelope, will obtain from docket)

APPENDIX M

- Order on Defendants' Motion for Rehearing and Resetting Foreclosure Sale.

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITY OF ST. PETERSBURG, a political subdivision
of the State of Florida,
Plaintiff,**

CASE NO.: 18-5043-CI

v.

**LEROY E. SCOTT; LINDA J. SCOTT;
Defendants.**

**ORDER ON DEFENDANTS' MOTION FOR REHEARING
AND RESETTING FORECLOSURE SALE**

FILED
ST. PETERSBURG BRANCH
2019 JUL 11 PM 12:19
KENDRICK
CLERK OF CIRCUIT COURT
PINELLAS COUNTY, FLORIDA

THIS MATTER, having come on consideration from the Motion for Rehearing filed by Defendants Leroy E. Scott and Linda J. Scott, the court having carefully examined the record, reviewed all pleadings and after accepting argument from Defendants who personally appeared and from counsel for Plaintiff and the representative of Plaintiff who personally appeared, it is hereby

ORDERED AND ADJUDGED as follows:

1. After a properly noticed hearing, this court entered its Final Judgment foreclosing a series of municipal liens on 4/17/19. The Defendants timely filed their Motion for Rehearing on 5/01/19. Thereafter this court granted Defendants Motion for Rehearing on 5/1/19 and a separate Order dated 6/06/19. After this court held a hearing on 6/17/19 to consider the record and all evidence before the court, this court CONFIRMS the entry of the Final Judgment previously entered on 4/17/19.
2. Over objection by Plaintiff and as urged by Defendants, this court carefully examined the "Affidavit Setting Forth Such Facts And Exhibits As Would Be Admissible in Evidence As Defendants Summary Judgment Evidence". Plaintiff asserted that the Affidavit should not have been considered because it was timely submitted pursuant to Fla.R.Civ.Pro. 1.510(c) and because


Defendants failed to designate what evidence this court should rely upon to deny summary judgment. The court acknowledges that it was submitted on 4/17/19, that it was not in fact timely submitted and that Defendant did not designate any evidence this court should rely upon in opposition to summary judgment. See Verizzo v. Bank of New York, 28 So. 3d 976 - Fla. Dist. Court of Appeals, 2nd Dist. 2010

3. Plaintiff next asserted that while the document submitted by Defendant was styled as an "affidavit", the court should not consider the document filed as an affidavit because while it was signed it was not notarized. The court acknowledges that the "affidavit" was not signed and was therefore not admissible as evidence in opposition to Summary Judgment. See Knod v. Moore, 805 So. 2d 50 - Fla. 4th 2001(...petitioner's affidavit was not notarized. We conclude that the trial court was correct in denying indecency for that reason alone..") See also Bifulco v. State Farm, 693 So. 2d 707 - Fla. 4th 1997 (the documents relied upon by the trial court in the instant case are not in compliance with rule 1.510, thus it was error for the trial judge to have considered and relied upon them. Therefore, we must and do reverse.)

4. The Plaintiff next argued that Defendants failed to raise any issues of disputed material facts because the Defendants failed to timely appeal the liens that were at issue in this case. The court acknowledges that the failure to appeal the liens at issue in this case precludes this court from considering many of the issues raised by Defendant in this case. See Kirby v. City of Archer, 790 So. 2d 1214 - Fla. 1st 2001; City of Plantation v. Vermut, 583 So. 2d 393 - Fla. 4th 1991; Miami-Dade County v. Peart, 843 So. 2d 363 - Fla. 3rd 2003; Hardin v. Monroe County, 64 So. 3d 707 - Fla. 3rd 2011.

5. The Foreclosure Sale in this case is reset to occur on AUGUST 15, 2019 in an online sale at www.realforeclose.com, beginning at 10:00 a.m.

DONE AND ORDERED in Pinellas County, Florida this 16 day of July, 2019.



Honorable Thomas M. Ramsberger

Copies to all parties on attached service list

SERVICE LIST

MATTHEW D. WEIDNER, ESQ.,
WEIDNER LAW, P.A.
250 MIRROR LAKE DRIVE NORTH,
ST. PETERSBURG, FLORIDA 33701
SERVICE@MATTWEIDNERLAW.COM

ALLIANCE MORTGAGE COMPANY
C/I TIAA BANK HOME LANDING
301 W BAY STREET, 25TH FLOOR
JACKSONVILLE, FL 32202

LEROY E. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404

LINDA J. SCOTT
430 WEST 32ND STREET
RIVIERA BEACH, FL 33404

APPENDIX N

- Order on Appellants' Motion to Supplement the Record

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

September 26, 2019

CASE NO.: 2D19-2758
L.T. No.: 2018CA005043XXCICI

LEROY SCOTT AND LINDA J. SCOTT v. CITY OF ST. PETERSBURG

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellants' motion to supplement the record is granted to the extent that Appellants shall make arrangements within three days with the clerk of the circuit court for the supplementation of the record with the items mentioned in the motion, with the supplemental record to be filed in this court within twenty-five days from the date of this order.

Appellants' motion for an extension of time is granted to the extent that Appellants shall serve the initial brief within thirty-two days of the date of this order.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

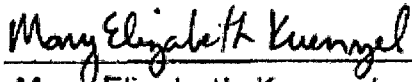
Served:

Matthew D. Weidner, Esq.
Ken Burke, Clerk

Leroy Scott

Linda J. Scott

ec



Mary Elizabeth Kuenzel
Clerk

