

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

J.K. "Buddy" Irby, as Clerk of the Circuit
Court of Alachua County, Florida,

Plaintiff,

CASE NO.: 01-2007-CC-89

vs.

City of Gainesville, a political subdivision of
the State of Florida; George W. Perry a/k/a
George William Perry, Dustin Staggers, individually;
and Practical Land Acquisitions Network, Inc., a
Florida Corporation,

Defendants.

INTERPLEADER COMPLAINT

Plaintiff, J.K. "Buddy" Irby, as Clerk of the Circuit Court of Alachua County, Florida, files this Interpleader Complaint pursuant to Florida Rule of Civil Procedure 1.240 and Florida Administrative Code Rule 12D-13.065 against Defendants City of Gainesville, a political subdivision of the State of Florida; George W. Perry a/k/a George William Perry; Dustin Staggers, individually; and Practical Land Acquisitions Network, Inc., a Florida Corporation, and states:

1. This is an interpleader action involving a matter in controversy not exceeding the sum of \$15,000.00, exclusive of interest, costs and attorney's fees.
2. The Court has jurisdiction over this interpleader action as a matter in equity within the jurisdictional amount of the county court under section 34.01(4), Florida Statutes.
3. The subject matter of this quasi-in-rem action is surplus funds from a tax deed sale on deposit with the Plaintiff in Alachua County, Florida, over which there are conflicting claims.

4. Venue is proper in Alachua County because the property at issue is located in Alachua County and the claims in controversy are filed in Alachua County.
5. Plaintiff J.K. "Buddy" Irby is the Clerk of the Circuit Court of Alachua County, Florida.
6. Defendant City of Gainesville is a political subdivision of the State of Florida located in Alachua County, Florida.
7. Defendant Practical Land Acquisitions Network, Inc. is a Florida Corporation who filed a claim in Alachua County asserting entitlement to overbid funds deposited with Plaintiff in Alachua County. This cause of action arises from Defendant's alleged ownership of Alachua County tax parcel 11348-000-000, the forced sale of which resulted in the subject overbid in controversy. Defendant is in the business of buying property subject to tax-deed sales.
8. Defendant Dustin Stagers is a resident of the State of Florida who filed a claim in Alachua County asserting entitlement to overbid funds deposited with Plaintiff in Alachua County. This cause of action arises from Defendant's alleged ownership of Alachua County tax parcel 11348-000-000, the forced sale of which resulted in the subject overbid in controversy. Defendant is in the business of buying property subject to tax-deed sales.
9. Defendant George W. Perry a/k/a George William Perry is a resident of Alachua County, is the former titleholder of tax delinquent property in Alachua County sold at public auction by Plaintiff, and may have an interest in the resulting overbid funds.
10. Pursuant to chapter 197, Florida Statutes, Plaintiff conducts tax deed sales of real property in Alachua County for which ad valorem taxes are delinquent and distributes the proceeds of such sales in accordance with statutorily-established priority of lien interests, and as ordered by the court.
11. On or about June 20, 2006, Plaintiff received an application for tax deed for tax

parcel 11348-000-000 from the Alachua County Tax Collector.

12. Plaintiff scheduled the tax deed sale for parcel 11348-000-000 to be held at 10:00 a.m. on August 24, 2006 at the Alachua County Courthouse and published the statutory notice in a newspaper of general circulation in Alachua County.

13. Pursuant to section 197.522, Florida Statutes, Plaintiff provided statutory notice to George W. Perry a/k/a George William Perry as titleholder of record, together with notice to lienholders and other interested persons disclosed in the title encumbrance report.

14. Approximately one week before the August 24, 2006, sale, Defendant Dustin Stagers telephonically advised Plaintiff that he purchased the subject parcel from Defendant George W. Perry a/k/a George William Perry on or about August 10, 2006.

15. Plaintiff located a quitclaim deed recorded at Book 3439/Page 216 of the Official Records of Alachua County which disclosed Defendant Dustin Stagers as the instrument's preparer, not as grantee.

16. The quitclaim deed sets forth the grantee of tax parcel 11348-000-000 as Defendant Practical Land Acquisitions Network, Inc. A certified copy of that quitclaim deed is attached as Exhibit "A."

17. The quitclaim deed recited the subject parcel's legal description as shown on the Alachua County Tax Collector's Tax Sale Certificate, but prefaced that recital with language indicating the property was located in Volusia County, not Alachua County.

18. The corporate records of the Florida Secretary of State show Defendant Dustin Stagers as the president of and resident agent for Defendant Practical Land Acquisitions Network, Inc.

19. Due to the proximity in time of the upcoming August 24, 2006, sale, Plaintiff faxed a combined waiver of notice to Defendants Dustin Stagers individually and to Dustin

Staggers as an officer or registered agent of Practical Land Acquisitions Network, Inc.

20. Two waivers of notice were executed and returned to Plaintiff waiving notice of the August 24, 2006 sale. Copies of the waivers are attached as Composite Exhibit "B."

21. On August 24, 2006, at 10:00 a.m. at the Alachua County Courthouse in Gainesville, Florida, Plaintiff sold tax parcel 11348-000-000 at public auction to the highest and best bidder.

22. The sale price for the aforesaid parcel exceeded the statutory opening bid, and resulted in an overbid in the amount of \$3,531.12, which is the subject of this action.

23. Defendant City of Gainesville filed a \$32,630.00 claim against the overbid funds based on a Gainesville Code Enforcement Board lien against all real property of George W. Perry recorded at Book 2134/Page1406 of the Official Records of Alachua County.

24. George W. Perry is named as the lienee in the aforesaid Gainesville Code Enforcement Board lien is one and the same person as Defendant George W. Perry a/k/a George William Perry.

25. At the time of the August 24, 2006, sale however, Defendant George W. Perry a/k/a George William Perry was no longer the record titleholder of parcel 11348-000-000.

26. Defendant Dustin Staggers filed a claim in the amount of \$3,526.23 against the overbid proceeds. A copy of the claim is attached as Exhibit "C."

27. The claim filed by Defendant Dustin Staggers does not specify whether it is filed by Mr. Staggers in his capacity as an individual or as a resident agent or officer of Defendant Practical Land Acquisitions Network, Inc.

28. Pursuant to section 197.582, Florida Statutes, Plaintiff must satisfy liens of government units against the subject property before disbursing the balance, if any, of the overbid funds to lienholders and titleholders.

29. Plaintiff cannot determine whether Defendant City of Gainesville's lien attached to the overbid funds because the titleholder at the time of sale was not the lienee named in the Gainesville Code Enforcement Board's lien. Defendant Dustin Stagers has put Plaintiff on notice that he disputes the City's alleged lien.

30. Plaintiff cannot determine whether Defendants Dustin Stagers individually, Defendant Practical Land Acquisitions Network, Inc., or Defendant George W. Perry a/k/a George William Perry have any interest in the overbid funds because:

a. It must first be determined whether Defendant City of Gainesville's lien attached to the overbid funds, and if so, then Plaintiff is statutorily required to satisfy that government unit's lien first, and

b. Satisfaction of Defendant City of Gainesville's lien will deplete the surplus funds, leaving no balance for any of the Defendants in this action.

31. In the alternative, if it is determined that Defendant City of Gainesville's lien did not attach to the overbid funds, Plaintiff cannot determine whether Defendants Dustin Stagers individually, Defendant Practical Land Acquisitions Network, Inc., or Defendant George W. Perry a/k/a George William Perry then have any interest in the overbid funds.

32. Further, the quitclaim deed purportedly vesting title to the subject property in Defendant Practical Land Acquisitions Network, Inc. states the location of the subject property as being in Volusia County, and may therefore be defective and fail to vest any interest in the subject property to said Defendant.

33. Plaintiff cannot determine who is entitled to the instant surplus funds on deposit, and runs the risk of multiple liability for payment of the surplus funds if Plaintiff decides between the named Defendants.

34. Defendants' claims or interests have as a common origin the overbid funds.

35. Defendants Dustin Stagers individually and/or Practical Land Acquisitions Network, Inc., and Defendant City of Gainesville have staked their respective claims on the same funds.

36. Plaintiff has no interest in the overbid funds as the subject of controversy in this action, or otherwise.

37. Plaintiff has no independent liability to any of the Defendants in this action and, as a stakeholder, stands indifferent as to who may ultimately be entitled to the overbid funds in controversy.

38. Pursuant to Rule 12D-13.065, Florida Administrative Code, where there are conflicting claims to the funds, Plaintiff has a duty to initiate an interpleader action against the various titleholders and lienholders to have the court determine the proper distribution of funds. As a result, Plaintiff is required to pursue this matter, although Plaintiff has no interest in the funds, subject to reimbursement of its costs and reasonable attorney's fees at market rate.


39. Plaintiff is prepared, subject to this Court's order designating how the funds are ultimately to be disbursed, to deposit same in the registry of court for subsequent disbursement upon final disposition as directed by this Court.

WHEREFORE, Plaintiff prays that this court

- A. Take jurisdiction over the subject matter and the parties hereto.
- B. Enter an order of interpleader requiring the Defendants to interplead and litigate their respective claims to the surplus tax deed overbid funds so that proper disposition of such funds may be had.
- C. Enter an order directing the surplus funds to be deposited into the registry of court during the pendency of this litigation, and direct Plaintiff to deduct registry fees pursuant to chapter 28, Florida Statutes.

- D. Discharge Plaintiff from all liability to any of the Defendants in this action.
- E. Enter an order authorizing reimbursement to Plaintiff for the Plaintiff's costs of this action and for reasonable attorney fees at market rate.
- F. Grant such other and further relief as may be just and proper.

Dated January 9, 2006


Jean Sperbeck FBN 378895
Attorney for Plaintiff
PO Box 600
Gainesville FL 32602
(352) 337-6142

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2265966 1 PG
2006 AUG 10 03:22 PM BK 3439 PG 217
J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK3 Receipt #295738
Doc Stamp-Deed: 17.50

Prepared by
Dustin Lee Stagers
POB 48844
Tampa, FL 33647

Parcel ID (Folio) Number(s): 11348-000-000



Quit Claim Deed

Made this 10th day of AUGUST, 2006 A.D. By **GEORGE WILLIAM PERRY, A SINGLE MAN** whose post office address is: 1805 SE 49TH DR, GAINESVILLE, FL 32641, hereinafter called the grantor, to **PRACTICAL LAND ACQUISITIONS NETWORK, INC, A FLORIDA CORPORATION** whose post office address is: POB 48844, TAMPA, FL 33647, hereinafter called the grantee:

(Whenever used herein the term "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 corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in VOLUSIA County, Florida, viz:

NEW GAINESVILLE PB A-66 E 100 FT OF LOT 108 S OF HWAY OR 1923/0157

w/k/a: Property Address 2331 SE HAWTHORNE RD, GAINESVILLE, FL 32641

This property is not the homestead property of the "grantor", or any member of "grantors" family

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in our presence:

George William Perry

Witness Printed Name *Kathleen Mowery*

Stefanie Gay

Witness Printed Name *STEFANIE GAY*

Address: *1412 West Univ. Av
Gainesville FL 32607*

Address: *1412 W. UNIV. AVE
GAINESVILLE, FL 32603*



State of FLORIDA
County of *Alachua*

The foregoing instrument was acknowledged before me this 10 day of August, 2006, by George William Perry, who is personally known to me or who has produced a drivers license as identification

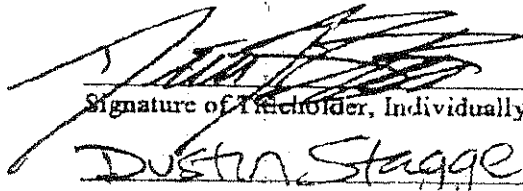
Notary Public
Print Name *Kathleen Mowery*
My Commission Expires



WAIVER OF NOTICE

I, Dustin Stagggers, individually and as an authorized officer or registered agent of "Practical Land Acquisitions Network, Inc., a Florida Corporation" hereby waive the twenty-day (20) statutory notice by sheriff's service of process and by mail of Tax Deed Sale #2006-34 to be held at the Alachua County Courthouse on August 24, 2006. This statement shall serve to confirm that I and/or "Practical Land Acquisitions Network, Inc., a Florida Corporation" as a titleholder to the subject property, am notified of the time, date and place of sale of the tax delinquent property which is the subject of Tax Deed Sale #2006-34. The Notice of Tax Deed Sale and Warning Notice are attached hereto.

Pursuant to Florida Statute 197.573, tax liens and liens of record held by a municipal or county shall survive and be enforceable against the subject property after the issuance of a tax deed. The property which is the subject of Tax Deed Sale #2006-34 is subject to such liens and other liens which may survive by law.



Signature of Titleholder, Individually

8/21/06

Date

WAIVER OF NOTICE

I, Dustin Staggler, individually and as an authorized officer or registered agent of "Practical Land Acquisitions Network, Inc., a Florida Corporation" hereby waive the twenty-day (20) statutory notice by sheriff's service of process and by mail of Tax Deed Sale #2006-34 to be held at the Alachua County Courthouse on August 24, 2006. This statement shall serve to confirm that I and/or "Practical Land Acquisitions Network, Inc., a Florida Corporation" as a titleholder to the subject property, am notified of the time, date and place of sale of the tax delinquent property which is the subject of Tax Deed Sale #2006-34. The Notice of Tax Deed Sale and Warning Notice are attached hereto.

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[Signature]
Signature of Titleholder, Individually

8/25/06
Date

Dustin Staggler
Print Name

[Signature]
Authorized Signature of Officer/Registered Agent for "Practical Land Acquisitions Network, Inc., a Florida Corporation"

8/25/06
Date

Dustin Staggler
Print Name

CLAIM TO SURPLUS PROCEEDS OF TAX DEED SALE

Complete and return to: Alachua County Clerk of Circuit Court
Attn: Tax Deeds
P.O. Box 600
Gainesville, FL 32602

Note: The Clerk must pay all valid liens before making distribution to a titleholder of record. If there is more than one titleholder, and the public records are silent regarding their shares, the Clerk will presume that the share of each titleholder is equal. Proceeds will not be disbursed to a lienholder, beneficiary or heir at law without an order of family administration, an order of summary administration or a court document disposing of personal property without administration per §735.301, Fla. Stat. (2001).

Claimant's Name DUSTIN STAGGER
Address POB 48644 TAMPA, FL 33647
Tax Deed No. ID 2006-54
Date of Sale 8/24/06

I, Dustin Stagger, hereby assert my claim to any surplus proceeds resulting from the tax deed sale listed above. I qualify as a:

I. LIENHOLDER INFORMATION

Complete this section if you are filing this claim because you had a lien against the property sold. Do not complete Section II or Section III of the form.

A. Type of Lien

- Mortgage
- Court Judgment
- Other (Describe in detail)

B. If your lien is recorded in the Official Records of Alachua County, list the following information, if known:

Recording Date _____
Instrument Number _____
Book and Page Number _____

C. Original Amount of Lien \$ _____

D. Amount Remaining Due (include interest, if applicable) \$ _____

II. TITLEHOLDER INFORMATION

Complete this section if you are filing this claim because you held title to the property sold.

A. Nature of Title

- Deed
- Court Judgment
- Certified Copy of Court Judgment
- Other (describe in detail)

B. If the Deed, Judgment or other document is recorded in the Official Records of Alachua County, list the following information, if known:

Recording Date 8/10/06
 Instrument Number 3439 22V 59651 PG
 Book and Page Number 3439/214

C. Amount of Surplus Tax Sale Proceeds Claimed:

3,526 dollars and 03 cents

III. NO SURPLUS PROCEEDS CLAIMED

Complete this section if you are not claiming a portion of the surplus proceeds. Do not complete Section I or Section II of the form.

I am not claiming any portion of the surplus proceeds.

IV. I do swear all the above information is true and correct.

Date: 8/25/06

Signature: [Handwritten Signature]
 Claimant

STATE OF FLORIDA
 COUNTY OF ALACHUA — Hillsborough

Before me the undersigned authority personally appeared this day 8/25/06
 who is personally known to me or produced the following form of identification
FEDAXIS LLC 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.

[Handwritten Signature]
 Notary Public
DD576070
 Commission #

(Seal)



MICHAEL A. EDER
 NOTARY PUBLIC - STATE OF FLORIDA
 COMMISSION # DD576070
 EXPIRES 8/12/2010
 BOARDED THRU 1-888-NOTARY