

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

1108 ARIOLA, LLC, et al.,

Plaintiffs

vs.

CASE NO: 2004-CA-002290

DIVISION: J

CHRIS JONES, PROPERTY
APPRAISER FOR ESCAMBIA COUNTY,
FLORIDA, and JANET HOLLEY, TAX
COLLECTOR FOR ESCAMBIA COUNTY,
FLORIDA,

Defendants.

_____ /

PLAINTIFFS' REQUEST FOR COURT TO TAKE JUDICIAL NOTICE

Pursuant to the applicable provisions of Chapter 90, Florida Statutes (2005), Plaintiffs request that this Court take judicial notice of the following matters:

(1) The deed from the United States of America to Escambia County, State of Florida, dated January 15, 1947, and recorded in Deed Book 248 at Page 161 of the public records of Escambia County, Florida, which deed conveyed title to a portion of Santa Rosa Island, including Pensacola Beach, to Escambia County, Florida.

(2) The leases from Santa Rosa Island Authority ("SRIA") through which the Plaintiffs derive their leasehold interests in the properties on Pensacola Beach.

(3) Resume of the meeting of the Property Appraisal Adjustment Board held on March 19, 1981.

(4) The decision of the Property Appraisal Adjustment Board denying the petition of Ruepert D. Bryan and the "Findings of Fact; Conclusions of Law" supporting the Board's decision.

(5) The pleadings and proceedings in the case of R.D. Bryan, et al. v. Matt Langley Bell, III, Tax Collector for Escambia County, Florida, et al., Circuit Court in and for Escambia County, Case No: 84-1911-CA-01, including:

- a) The complaint of plaintiffs.
- b) The memorandum filed on behalf of the defendant tax collector in opposition to plaintiffs' motion for summary judgment.
- c) The transcript of the hearing before Judge John Parnham on the defendant tax collector's motion to dismiss for failure to join an indispensable party.
- d) The Summary Final Judgment entered in the case by Judge John Parnham.

(6) The opinions issued by the First District Court of Appeal in Bell v. Bryan, 505 So.2d 690 (Fla. 1st DCA 1987), rev. den., 513 So.2d 1060 (Fla. 1987), and the motions filed with the Court, including:

- a) The initial opinion issued by the Court.
- b) The motion for rehearing, rehearing en banc or certification filed on behalf of the appellants.
- c) The substitute opinion issued by the Court.

(7) The pleadings and proceedings in the case of Matt Langley Bell, III, Tax Collector for Escambia County, Florida v. R.D. Bryan, et al., Circuit Court in and for Escambia County, Case No: 86-678-CA-01, including:

- a) The initial complaint of the tax collector.
- b) The motion to intervene filed on behalf of John R. Jones, as property appraiser for Escambia County, Florida.
- c) The order granting the property appraiser's motion to intervene.
- d) Judge M.C. Blanchard's order dismissing the complaint but allowing the plaintiffs leave to amend.
- e) The amended complaint of the tax collector.
- f) The memorandum filed on behalf of the tax collector in opposition to the leaseholders' motion to dismiss the amended complaint.
- g) Judge M.C. Blanchard's Final Judgment of dismissal.

(8) The opinion issued by the First District Court of Appeal in Bell v. Bryan, 519 So.2d 1024 (Fla. 1st DCA 1988).

(9) The proceedings in the case of Lewis Y. and Betty T. Ward, et al. v. Gregory S. Brown, Property Appraiser of Santa Rosa County, Florida, et al., Circuit Court in and for Santa Rosa County, Case No: 01-892-CA-01-DJ, including:

- a) Judge Paul Rasmussen's Order Granting Defendants' Amended Motion for Summary Judgment and Entry of Final Summary Judgment.
- b) Transcription of the hearing on the parties counter motions for summary judgment.

(10) The opinion issued by the First District Court of Appeal in Ward v. Brown, 919 So.2d 462 (Fla. 1st DCA 2005).

(11) Final Judgment rendered by Judge Tarbuck in Service Metro Corporation v. Matt Langley Bell, as Tax Collector of Escambia County, Florida, et al., Circuit Court in and for Escambia County, Case No: 94-1756.

(12) The proceedings in the case of Burklow & Associates, Inc., et al. v. Gregory Brown, Property Appraiser of Santa Rosa County, Florida, et al., Circuit Court in and for Santa Rosa County, Case No. 57-2004-985-CA01-OTH-D and the cases consolidated therewith, including:

- a. The complaint filed on behalf of Burklow & Associates, Inc., and the other named plaintiffs.
- b. The answer and affirmative defenses of Defendant Gregory Brown, Property Appraiser.
- c. Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment.
- d. Issues of Law Which Remain for Determination by the Court filed by counsel on behalf of the Defendants.

- e. Final Judgment rendered by Judge Paul A. Rasmussen.
- (13) The opinion issued by the First District Court of Appeal in Burklow & Associates, Inc. v. Brown, 931 So.2d 218 (Fla. 1st DCA 2006).
- (14) Chapter 24,500, Special Acts, Laws of Florida.
- (15) Chapter 25,810, Special Acts, Laws of Florida.
- (16) Chapter 76-361, Special Acts, Laws of Florida.
- (17) Chapter 76-362, Special Acts, Laws of Florida.
- (18) Chapter 76-368, Special Acts, Laws of Florida.
- (19) The policies adopted by the Santa Rosa Island Authority, including:
 - a) General lease policy applicable to all new leases, and existing leases/modifications.
 - b) Hurricane Ivan Damage Restoration Policy.
 - c) Lease Enforcement Alternative Policy.
 - d) Notification Policy.
 - e) Policy providing for amendment of leases containing erroneous language regarding vesting of title to improvements on leased premises.
 - f) Residential lease policy establishing standard residential lease and providing for form of residential lease amendments.
- (20) Correspondence from the Santa Rosa Island Authority or its legal counsel to leaseholders deemed to be in violation of terms in their respective leases.

WHEREFORE, Plaintiffs request that this Court take judicial notice of the foregoing matters.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Plaintiffs' Request for Court to take Judicial Notice has been furnished to Elliott Messer and Thomas M. Findley, of Messer, Caparello & Self, P.A., 215 S. Monroe Street, Suite 701, Tallahassee, FL. 32302, by U.S. mail this ____ day of _____, 2006.

M.J. Menge
Bar No: 54275
Shell, Fleming, Davis & Menge, P.A.
226 South Palafox Street, 9th Floor
Pensacola, Florida 32502
Telephone 850-434-2411
Attorneys for Plaintiffs