In the District Court of Appeal
Fourth District of Florida

CASE NO. [redacted]

(Circuit Court Case No. [redacted]

[redacted]

Appellant,

v.

FLAGSTAR BANK, F.S.B., et al.,

Appellees.

ON APPEAL FROM THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

INITIAL BRIEF OF APPELLANT

Respectfully submitted,

ICE LEGAL, P.A.
Counsel for Appellant
1975 Sansburys Way, Suite 104
West Palm Beach, FL 33411
Telephone: (561) 729-0530
Facsimile: (866) 507-9888
Email: mail@icelegal.com

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page

Cases

Statutes

Rules

STATEMENT OF THE CASE AND FACTS

I. Introduction

This is a foreclosure action filed by Appellee, FLAGSTAR BANK, F.S.B. ("the BANK"), to take the home of [redacted] ("[redacted] in satisfaction of an unpaid debt.

II. Appellant's Statement of the Facts

When serving [redacted] the BANK's process server failed to write at least two of the informational disclosures required by both Florida Statute § 48.031(5) and Florida Rule of Civil Procedure 1.070(e).[1] Specifically, the information scrawled by the process server on the summons consisted only of the following:

SUMMONS

[1] *See*, copy of summons attached as Exhibit A to Defendant, [redacted]s Motion to Quash Service of Process, March 12, 2009 ("Mot. to Quash") Appendix to Initial Brief (hereinafter "**(A.__)**"), p. 4.

[redacted] moved to quash service of process based upon the process server's failure to write all four of the required elements on the summons: the date, the time of service, his or her identification number and initials.[2]

In its written response, the BANK did not dispute that required information was missing from the summons, conceding that "the process server failed to write the time of service as well as his initials and identification number"[3] Instead, the BANK argued that its non-compliance should be excused because [redacted] was "unharmed" by the BANK's failure to comply with both the statute and rule.[4]

At the hearing on the motion to quash,[5] the trial court judge began by chastising defense counsel—and only defense counsel—for not having set the hearing to take place sooner:

> THE COURT: Thank you very much. Let me just pull this up on the court file because I want to take a look at the return of service.
>
> Mr. Immel, your position on the motion to quash is that the plaintiff failed to comply with Florida Statute 48.031(5) and failed to indicate the time of service as well as their identification number on service.

---

[2] Mot. to Quash, p. 1. **(A. 1).**

[3] Plaintiff's Response to Defendant's Motion To Quash, dated May 12, 2009 ("Opposing Memo.") pp. 1-2 **(A. 5)**.

[4] Opposing Memo., at ¶4 **(A. 5-6)**.

[5] Transcript of Hearing Before the Honorable Meenu Sasser, April 13, 2010 ("Hrg.")**(A. 8)**.

And your motion to quash was filed on March 12th, 2009, and not set for hearing.

MR. IMMEL: Well, Your Honor, it was ruled on already a little over a month ago, I believe.

THE COURT: I know but it was nearly a year that your motion to quash waited, and it was -- your law firm didn't set it for hearing.

MR. IMMEL: Well, Your Honor, there is case law to the effect that it's plaintiff's responsibility to --

THE COURT: Set your motions for hearing?

MR. IMMEL: To move their case along as they see fit.

THE COURT: No, no, no, no. As officers of the court -- and I will hand you the Rules of Judicial Administration, Mr. Immel. As officers of the court, plaintiffs and defendants have to act in a just, speedy and expeditious manner in every single case.

MR. IMMEL: Yes, Your Honor. We've done discovery. We've defended our case.

THE COURT: But you didn't set your motion to quash for a hearing. You did all kinds of discovery, right?

* * *

THE COURT: These are the Rules of Judicial Administration, Mr. Immel. As lawyers and officers of the court, we don't file motions and then wait two years and not set them for hearing.

Ms. Berger, your response?[6]

[6] Hrg., pp. 3-5.

The BANK then argued, as it did in its written response, that compliance with the statute and rule was a mere technicality.[7] The trial court judge, however, ruled that all four items of information were, in fact, written on the summons. Yet, she refused to put her factual findings as to the content of that information on the record:

"THE COURT: In my review of it, [the date, the time, his identification number and initials are] there."

> THE COURT: Does it have to say it's legible to a third grader? All that is required is a process server has to put a date and time. And there are markings on there, correct?
>
> MR. IMMEL: Well, it has to be the date, the time, his identification number and initials, Your Honor. There is --
>
> THE COURT: In my review of it, it's there.
>
> MR. IMMEL: Your review of it is that -- could you please read for me the initials?
>
> THE COURT: No, I don't read for you, Mr. Immel. I don't read for you, Mr. Immel. Your motion to quash is denied.
>
> MR. IMMEL: What is the identification number of the process server?
>
> THE COURT: Mr. Immel, we don't argue with the Court after the Court has ruled. Okay? Thank you.[8]

[7] Hrg., pp. 6-7 **(A. 13-14)**.

[8] Hrg., pp. 7-8 (emphasis added) **(A. 14-15)**.

The trial court entered an order denying the motion to quash.[9] timely appealed this non-final order.

[9] Order on Defendants' Motion to Quash Service of Process, March 4, 2010 **(A. 97)**.

SUMMARY OF THE ARGUMENT

The BANK's burden in the lower court was to show it effectuated valid service of process by strictly complying with the service of process statute and the Rules of Civil Procedure. The BANK did not carry its burden, or even argue that the actual service of process was proper, but argued that compliance with the statute was a mere technicality—that [redacted] was "unharmed" by the omission because [redacted] had notice of the proceedings. Actual notice, however, is not, and could never be, the standard for determining the validity of service of process in Florida.

The trial court's ruling that the information was actually written on the summons is a factual determination that flies in the face of the only record evidence and contradicts the BANK's own concession that a portion of the information was missing.

The lower court's denial of [redacted] motion to quash service of process should be reversed.

STANDARD OF REVIEW

This Court has jurisdiction to review the non-final order denying the motion to quash under Florida Rule of Appellate Procedure 9.130(a)(3)(C)(i), which permits review of non-final orders that determine the jurisdiction of a person. *See Re-Employment Servs., Ltd. v. Nat'l Loan Acquisitions Co.*, 969 So. 2d 467, 470 (Fla. 5th DCA 2007) (citing *Fisher v. Int'l Longshoremen's Ass'n*, 827 So. 2d 1096, 1097 (Fla. 1st DCA 2002)); *see also Gaspar, Inc. v. Naples Fed. Sav. & Loan Ass'n*, 546 So. 2d 764, 765 (Fla. 5th DCA 1989). The standard of review is *de novo*. *Anthony v. Gary J. Rotella & Associates*, 906 So. 2d 1205 (Fla. 4th DCA 2005); *Re-Employment Servs.*, 969 So. 2d at 470. As such, absolutely no deference is to be accorded the decision of the lower court. *D'Angelo v. Fitzmaurice*, 863 So. 2d 311, 314 (Fla. 2003). The Plaintiff bears the burden of demonstrating "[s]trict compliance with the statutes governing service of process…" *Schupak v. Sutton Hill Assocs.*, 710 So. 2d 707, 708 (Fla. 4th DCA 1998). All legal determinations by the trial court are reviewed *de novo*, but its findings of fact are tested to see if they are supported by competent, substantial evidence. *Williams v. Cadlerock Joint Venture, L.P.*, 980 So. 2d 1241, 1243 (Fla. 4th DCA 2008).

ARGUMENT

I. The BANK's Process Server Failed to Comply with Florida Statutes and the Florida Rules of Civil Procedure

The BANK's process server failed to comply with the statutory law of Florida and the Florida Rules of Civil Procedure governing service of process. Florida Statute § 48.031(5) requires that the process server, when serving the summons, record four facts on the face of the summons:

> **Service of process generally; service of witness subpoenas.**-- (5) A person serving process shall place, on the copy served, the date and time of service and his or her identification number and initials for all service of process.

This requirement is underscored in Florida Statute § 48.29(6) which adopts § 48.031(5) as the standard for certified process servers. Here, it was undisputed that the process server did not write on the summons at least two of these four required confirmatory facts.[10]

The absence of a factual or legal basis for advocating (much less, holding) that service had been properly performed is fatal to the BANK's cause. "The burden of proof to sustain the validity of service of process is upon the person who seeks to invoke the jurisdiction of the court…" *Carlini v. State Dep't. of Legal Affairs*, 521 So. 2d 254, 255 (Fla. 4th DCA 1988).

[10] Opposing Memo., ¶ 2 **(A. 5)**; Hrg., p. 6, ln. 25 – p. 7, ln. 2 **(A. 13-14)**.

A. Florida courts demand strict compliance with § 48.031 and other statutes governing service of process.

This Court holds that "[s]trict compliance with the statutes governing service of process is required." *Schupak v. Sutton Hill Assocs.*, 710 So. 2d at 708 (Fla. 4th DCA 1998) (leaving process at the door is insufficient service); s*ee also Sierra Holding, Inc. v. Inn Keepers Supply Co.*, 464 So. 2d 652, 655 (Fla. 4th DCA 1985) ("Since…the statute requiring that alternative service be made on an 'employee' must be strictly construed, mere 'connections' with the corporation are insufficient"); *Baraban v. Sussman*, 439 So. 2d 1046 (Fla. 4th DCA 1983) (service by an employee of an appointed process server insufficient); *Carlini v. State Dep't. of Legal Affairs*, 521 So. 2d at 256 (attempted substituted service on a person who was not a resident of the abode was insufficient). The BANK, therefore, had the burden of showing strict compliance with the statute and procedural rule mandating that the time of service and the process server's identification number be written on the summonses delivered to [redacted]

B. "Actual notice" is not—and cannot be—the standard for deciding whether service was defective.

1. The BANK's cases are inapposite.

The BANK argued below that service was not defective because defendant "had sufficient notice" and was "unharmed by the error."[11] but that is not the applicable standard in Florida. Indeed, "actual notice" of the lawsuit could never be the standard, because it would completely eviscerate the service statutes. Process servers could deliver the summons in any manner they see fit (serving on Sunday, dropping the summons on the defendant's doorstep or mailbox, or even tossing it through an open window) and then later claim that these violations should be excused because the defendant had "actual notice."

The BANK cited the Second District case of *Dep't of Revenue ex rel. Williams v. Wright*, 813 So. 2d 989, 991 (Fla. 2d DCA 2002) in support of its "no harm, no foul" argument.[12] That case excused a minor defect (an incorrect middle initial of the defendant) on the summons, not a defect in service itself. More importantly, the case involved the interpretation of general service requirements, not enforcement of a pointed, unambiguous statutory obligation. In contrast to the explicit instruction, as is involved here, that the process server inscribe specific

[11] Opposing Memo., ¶ 4 **(A. 5-6)**.

[12] *Id.*

information on the summons when it is delivered, there was no statute in *Wright* requiring that the summons display a middle initial. *See id*. at 991 (recognizing that there had been no "finding that a statutory requirement had not been met").

The BANK also cited the case of *Klosenski v. Flaherty*, 116 So. 2d 767 (Fla. 1959) for its quotation from the 1940 opinion, *State ex rel. Merritt v. Heffernan*, 195 So. 145 (1940).[13] *Klosenski*, however, did not hold, as the BANK implies, that actual notice of the lawsuit excuses defective service; it simply held that a defect in the return of service did not nullify proper service:

> There may be valid service and a defective return … or there may be invalid service and a return showing valid service…. In either case it is the fact of valid service-or the fact of invalid service-as shown by the evidence, that is controlling insofar as the question of jurisdiction over the person of the defendant is concerned, and not the officer's return on the writ.

Id. at 769 (internal citations omitted). The quoted case, *Heffernan*, did not excuse defective service, but found that the defendant's Florida home, where his family resided, was his "abode" for purposes of service of process. *State ex rel. Merritt v. Heffernan*, 195 So. at 147.

At the hearing, the BANK cited a previously unmentioned case from the Fifth District, *Decker v. Kaplus*, 763 So. 2d 1229, 1230 (Fla. 5th DCA 2000). As

[13] Opposing Memo., ¶ 3 **(A. 5)**.

correctly pointed out by the BANK,[14] that case observed that there is a distinction between a total want of service (where the defendant received no notice at all) and irregular or defective service that still imparts notice. What the BANK did not disclose is that, in *Decker*, the distinction was only relevant to determining whether the judgment was void or voidable. *Id.*

Here, there is no judgment yet because [redacted] adhered to Supreme Court opinion in *Gore* v. *Chillingworth*, 171 So. 649 (Fla. 1936), which requires that a party challenging service raise the issue promptly. *Id*. at 652. Therefore, the determination of whether [redacted] had actual notice such that a judgment would become voidable (rather than void) is irrelevant.

2. Actual notice is irrelevant to determining whether service should be quashed as defective.

In making its "actual notice" argument, the BANK did not advise the trial court that the Florida Supreme Court has directly addressed this very issue and has steadfastly held that a defendant's actual notice of the proceedings is irrelevant. "The fact that the defendant received actual notice of this lawsuit does not render the service of process valid." *Bedford Computer Corp. v. Graphic Press, Inc*., 484 So. 2d 1225 (Fla. 1986); *Napolean B. Broward Drainage Dist. v. Certain Lands*

[14] Hrg., pp. 5-6 **(A. 12-13)**.

Upon Which Taxes Were Due, 33 So. 2d 716, 718 (Fla.1948) (the fact that the defendant had actual knowledge of the attempted service cannot justify the failure of the plaintiff to strictly observe the service statute).

Likewise, this Court has repeatedly held that actual notice of the proceedings does not excuse compliance with service statutes. *S.H. v. Dep't of Children and Families*, 837 So. 2d 1117 (Fla. 4th DCA 2003); *Panter v. Werbel-Roth Securities, Inc.*, 406. So. 2d 1267, 1268 (Fla. 4th DCA 1981). Accordingly, the BANK's argument that actual notice of the proceedings excused compliance with the service statute and rule is completely without merit and not supported by the law.

C. Excusing the BANK's non-compliance with two of the provisions of the service statute would completely vitiate the statute and violate the constitutional separation of powers requirement.

The Florida Supreme Court has held that "the Legislature does not intend to enact useless provisions, and courts should avoid readings that would render part of a statute meaningless." *Borden v. East-European Ins. Co.*, 921 So. 2d 587, 595 (Fla. 2006) (citing *State v. Goode*, 830 So. 2d 817, 824 (Fla. 2002)).

Excusing a failure to comply with half of the statute, is to leap with great abandon upon the slippery slope. There is no discernible difference between

excusing a failure to affix the hour of service or process server's identification number and excusing a failure to affix his initials or the date. The trial court's refusal to enforce a part of the statute provides future violators an excuse for ignoring all of the statute.

Avoidance of the slippery slope, however, is not the only reason that the decision cannot turn on a jurist's opinion of the importance of a particular statutory provision. A court's refusal to enforce such a provision effectively legislates the statute out of existence—a direct violation of the separation of powers doctrine. Under this doctrine, the courts of Florida are compelled to respect the will of the legislature as codified in the Florida Statutes. Florida Constitution in Article II, Section 3.

In *Pepper v. Pepper*, 66 So. 2d 280, 284 (Fla. 1953), the Florida Supreme Court held that a lower court's refusal to apply the residency requirement of a divorce statute was, in effect, an unlawful statutory amendment by the court. As such, it constituted an unlawful encroachment by the judiciary on the legislative branch:

> There are many laws of the State of Florida which are not in conformity with the views of all of the people of the State or even some members of the judiciary.
>
> * * *

> The Judicial Department is not concerned with the wisdom of such legislation as that involved in the present litigation. Whether divorces should be granted, and if granted, only for the cause of adultery; whether the residence requirement should be three months, six months, or two years, are matters for the Legislature to decide; and when the decision has been made, it becomes incumbent upon the Judicial branch to enforce it.

Id. at 283-84 (emphasis added). Similarly, neither the lower court nor this Court should be concerned with the wisdom of the legislative enactment involved in the present litigation. Whether process servers should be required to place certain information on the summons, and what that information should be, are matters for the legislature to decide; and the decision having been made, it is incumbent upon this Court to enforce it. *See Bush v. Holmes*, 919 So. 2d 392, 398 (Fla. 2006) ("courts may not reweigh the competing policy concerns underlying a legislative enactment"); *Askew v. Schuster*, 331 So. 2d 297, 300 (Fla. 1976) ("The propriety and wisdom of legislation are exclusively matters for legislative determination."), *quoting In re Apportionment Law, Senate Joint Resolution No. 1305*, 263 So. 2d 797 (Fla. 1972); *Kahn v. Shevin*, 416 U.S. 351 (1974), (courts do not substitute their beliefs for the judgment of legislative bodies which are elected to pass the laws).

Nor is the lower court free to pick and choose those parts of a statute it believes need not be enforced. The Florida Supreme Court has instructed that "[i]n

construing statutes, we must, to the extent possible, give effect to all parts of a statute." *Kepner v. State*, 577 So. 2d 576, 578 (Fla. 1991); *see also State ex rel. City of Casselberry v. Mager*, 356 So. 2d 267, n.5 (Fla. 1978) ("[a] statute should be interpreted to give effect to every clause in it, and to accord meaning and harmony to all of its parts."). Accordingly, no portion of the statute may be arbitrarily deemed too unimportant to enforce.

II. The Trial Court's Factual Conclusion is Unsupported By Competent Evidence and Contrary to the Undisputed Facts.

The trial court made the factual finding that the process server had, in fact, written all the required information on the summons served on [redacted][15] This factual conclusion is flatly contradicted by the only undisputed evidence in the record. The BANK never disputed that the copy of the summons attached to the motion to quash was a true and correct copy of that delivered to [redacted] or that, on its face, it plainly showed the absence of some of the required notations. The trial court's conclusion to the contrary was unsupported by competent and substantial evidence and constituted an abuse of discretion. *See Zupnik Haverland, L.L.C. v. Current Builders of Florida, Inc.*, 7 So. 3d 1132, 1134 (Fla. 4th DCA 2009) (The lower court's ultimate factual determinations may not be disturbed on appeal unless

[15] Hrg. p. 8, ln. 4 **(A. 15)**.

shown to be unsupported by competent and substantial evidence or to constitute an abuse of discretion.)

Although the BANK's tacit concession that the summons lacked the obligatory annotations would seem to obviate the need for an evidentiary hearing, would be entitled to one before the trial court announced a factual determination opposite to the agreed facts. *See Venetian Salami Co. v. Parthenais*, 554 So. 2d 499, 503 (Fla. 1989) (case remanded for an evidentiary hearing on issue of long-arm jurisdiction). The hearing at which the trial court reached this factual conclusion was not noticed as an evidentiary hearing, nor could it have been since it was not specially set by court order.[16]

Without an evidentiary hearing, the copy of the summons attached to the motion to quash was all that the trial court could have considered in finding that the required information was written on the summons delivered to Applying the reasonableness test to determine whether the trial court abused its discretion, it is beyond dispute that no "reasonable men" could conclude that the information was, in fact, on the summons. *See Kirkland's Stores, Inc. v. Felicetty*,

[16] Notice of Hearing, dated March 23, 2010 **(A. 17)**; see Divisional Instructions that require evidentiary hearings be specially set by court order which notifies the parties that the hearing is evidentiary. Available at:
http://15thcircuit.co.palm-beach.fl.us/web/guest/judges/sasser

931 So. 2d 1013, 1015 (Fla. 4th DCA 2006) (abuse of discretion determined by reasonableness test: whether reasonable men could differ as to the propriety of the action taken by the trial court).

A. The trial court's refusal to make underlying factual findings on the record was an abuse of discretion.

The Florida Supreme Court has defined the test for review of a judge's discretionary power to include consideration of whether the judicial action is based upon caprice or imagination:

> Discretion, in this sense, is abused when the judicial action is arbitrary, fanciful, or unreasonable, which is another way of saying that discretion is abused only where no reasonable man would take the view adopted by the trial court. If reasonable men could differ as to the propriety of the action taken by the trial court, then it cannot be said that the trial court abused its discretion.

Canakaris v. Canakaris, 382 So. 2d 1197, 1203 (Fla. 1980) (emphasis added).

Here, the trial judge's declaration that the proper notations were present on the summons was a manifest factual error that far exceeded a mere mistake, but was an outright denial of reality that epitomizes that which is capricious and imaginary. Moreover, the trial judge's refusal to read into the record the notations that she alone was able to see[17] further bolsters the unmistakable and abiding sense

[17] Hrg., p. 8 **(A. 15)**.

that her "finding" was not based on reason and fact. [redacted] submits that the judge's knowing departure from the undisputed record evidence demonstrates that his fear of unfair treatment by this judge was fully justified.[18]

B. Admonishing only defense counsel for not setting the motion for hearing earlier is further evidence of an abuse of discretion.

Additionally, the judge's focus on [redacted] counsel, rather than the BANK's counsel (or at least, both counsel) for a perceived failure to hasten the BANK's case to conclusion[19] further corroborates [redacted] fear that the judge harbors ill-will towards his attorneys. It is true that counsel for all parties, as well as the judge, have a professional obligation to conclude litigation as soon as practicable, so long as justice and due process are not trampled in a rush to judgment:

> RULE 2.545. CASE MANAGEMENT (a) Purpose. Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.

[18] *See*, Defendant, [redacted]S, Motion For Disqualification, January 26, 2010; denied as legally insufficient on February 9, 2010 **(A. 19)**.

[19] Hrg., pp. 4-5 **(A. 11-12)**.

Fla. R. Jud. Admin. 2.545 (emphasis added). Defense counsel more than complied with its responsibility to avoid unnecessary delay, by propounding "all kinds of discovery"[20] to develop defenses to the case.

But contrary to the trial court's assertion, the plaintiff, not the defendant, bears the burden for prosecuting the plaintiff's case. *See JB Int'l, Inc. v. Mega Flight, Inc.*, 840 So. 2d 1147, 1150 (Fla. 5th DCA 2003) ("A plaintiff has an obligation to pursue its case to final judgment"). To shift that burden to strips him of his right to have the case dismissed for lack of prosecution (which, of course, might be the most expedient conclusion to the case). *See Patton v. Kera Tech., Inc.*, 895 So. 2d 1175, 1178 (Fla. 5th DCA 2005) *approved*, 946 So. 2d 983 (Fla. 2006) ("The plaintiff bears responsibility to expedite litigation and Plaintiff's failure to take steps within Plaintiff's control to resolve the case or to ensure prompt dispatch of court orders warrants dismissal.")

To the extent that the judge's denial of the motion to quash (by baldly declaring the existence of that which is non-existent) appears to be based at least in part on a personal belief that defense counsel had been remiss in not scheduling a hearing on the motion earlier, the ruling unfairly penalizes *See Abaddon, Inc. v. Schindler*, 826 So. 2d 436, 439 (Fla. 4th DCA 2002) (interpreting *Fuster-*

[20] Hrg., p. 4 **(A. 11)**.

Escalona v. Wisotsky, 781 So.2d 1063, 1066 (Fla.2000) as holding that a movant should not be penalized for not setting a hearing on its motion because it was not legally required to do so). At the very least, the trial court's admonishment of defense counsel—and only defense counsel—is indicative of a lack of a balanced perspective that further suggests that the trial court's denial of the motion to quash was arbitrary and capricious. As such, the denial of the motion to quash was an abuse of discretion that merits reversal.

CONCLUSION

The lower court's denial of [redacted] motion to quash service of process should be reversed.

Respectfully submitted,

ICE LEGAL, P.A.
Counsel for Appellants
1975 Sansburys Way, Suite 104
West Palm Beach, FL 33411
Telephone: (561) 729-0530
Facsimile: (866) 507-9888
Email: mail@icelegal.com

By: _____

THOMAS E. ICE
Florida Bar No. 0521655

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this April 26, 2010 to all parties on the attached service list.

ICE LEGAL, P.A.
Counsel for Appellants
1975 Sansburys Way, Suite 104
West Palm Beach, FL 33411
Telephone: (561) 729-0530
Facsimile: (866) 507-9888
Email: mail@icelegal.com

By: 

THOMAS E. ICE
Florida Bar No. 0521655

SERVICE LIST

Darlene Fernandez Carus, Esq.
BEN-EZRA & KATZ, P.A.
2901 Stirling Road, Suite 300
Fort Lauderdale, Florida 33312
Plaintiff/Appellee's counsel

CERTIFICATE OF COMPLIANCE WITH FONT STANDARD

Undersigned counsel hereby respectfully certifies that the foregoing Brief complies with Fla. R. App. P. 9.210 and has been typed in Times New Roman, 14 Point.

ICE LEGAL, P.A.
Counsel for Appellants
1975 Sansburys Way, Suite 104
West Palm Beach, FL 33411
Telephone: (561) 729-0530
Facsimile: (866) 507-9888
Email: mail@icelegal.com

By: _____

THOMAS E. ICE
Florida Bar No. 0521655