

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. **20070551**

1. ACTION REQUESTED/PURPOSE: Request Board of County Commissioners approve payment of Delinquent Tax overbid money to the claimant. Pursuant to Florida Statute Chapter 197; the Board is to hold unclaimed overbid funds from Delinquent Tax sales for a period of two years on behalf of the original property owner.

2. FUNDING SOURCE: Delinquent Tax Property sale proceeds in excess of the taxes owed, held on behalf of the former property owner by the Board.

3. WHAT ACTION ACCOMPLISHES: The Clerk has received a verified claim of these funds and requests that you release them to the claimant.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: 06

C15AE

6. Meeting Date: 04-24-2007

7. Agenda:

Consent

Administrative

Appeals

Public

Walk-On

8. Requirement/Purpose: (specify)

Statute 197

Ordinance

Admin. Code

Other

9. Request Initiated:

Commissioner Clerk of Courts

Department Finance/Records Dept.

Division Delinquent Tax Office

By: Debbie Underwood, Mgr.

[Signature]

10. Background: Pursuant to Florida Statute Chapter 197; the Board is holding overbid funds from Delinquent Tax Sales. The Clerk has received a verified claim for these funds, within the two year period, and request that you release them for the following tax deed.

Tax Deed Number : 2002-004058

Lee County Clerk of Courts \$13,760.64
P.O. Box 9367
Ft. Myers, FL 33902

11. Review for Scheduling:

Dept. Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>				<i>[Signature]</i>					

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

2002-004058

IN THE COUNTY COURT IN AND FOR LEE COUNTY, FLORIDA

CHARLIE GREEN, as Clerk of)
the Circuit Court of Lee)
County, Florida,)

Plaintiff,)

vs.)

CASE NO. 06-CC-3727

ESTATE OF HAROLD A. IMHOFF,)
JR., Deceased, CRW HOLDINGS)
INC., and NATIONSCREDIT)
FINANCIAL SERVICES CORPORATION)

Defendants.)

INTERLOCUTORY ORDER OF INTERPLEADER

THIS CAUSE came on to be heard upon Plaintiff's Motion For Entry Of Order Of Interpleader, Court Costs And Attorney's Fees, and the Court having considered the pleadings, the evidence of the parties and argument of counsel, it is

ORDERED AND ADJUDGED that:

1. Plaintiff be and is hereby ordered to forthwith pay and deposit the sum of \$13,760.64, less costs and attorney's fees set forth below, into the registry of the Court, pending further Order of this Court.

2. Such payment shall be in full satisfaction and discharge of the obligations of Plaintiff to Defendants under §197.582, Fla. Stats. as to the distribution of such funds.

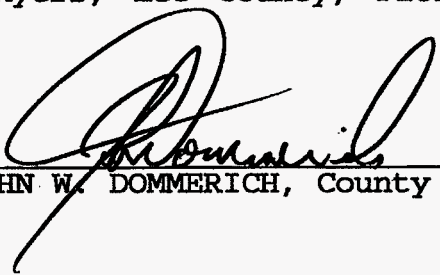
3. Defendants are hereby enjoined until further Order of this Court from commencing or prosecuting any further action or actions at law or in equity against Plaintiff for and in respect

to the rights and obligation between the parties to this action.

4. Defendants be and are hereby ordered and directed to interplead between themselves in this action their claims or rights in and to such funds within 20 days from the date of this Order.

5. Plaintiff be and is hereby awarded \$ 355.00 court costs and \$ 1,652.00, as reasonable attorney's fees to be deducted by Plaintiff from the amount Plaintiff is to deposit with the Clerk, with the balance to be invested by the Clerk in an insured interest-bearing account in a local financial institution.

DONE AND ORDERED at Fort Myers, Lee County, Florida, this 13th day of November 2006.



JOHN W. DOMMERICH, County Judge

Conformed copies to:

STEVEN CARTA, ESQ.
BILLY JOE LEON MCFARLAND, ESQ.

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

CHARLIE GREEN, as Clerk of the Circuit Court
of Lee County,
Plaintiff,

Case File No. 06-CC-3727

Division: Civil

v.

ESTATE OF HAROLD A. IMHOFF, JR., Deceased,
CRW HOLDINGS, INC., and NATIONSCREDIT
FINANCIAL SERVICES CORPORATION,
Defendants.

INSTR # 2007000021423, Pages 1
Doc Type JUD, Recorded 01/19/2007 at 05:06 PM,
Charlie Green, Lee County Clerk of Circuit Court

Deputy Clerk SHUGHES
#21

FINAL DEFAULT JUDGMENT

THIS ACTION having come before the Court upon the motion of Defendant, CRW HOLDINGS, INC., seeking a Final Default Judgment, and the Court, having examined the pleadings and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the claims of Defendant, CRW HOLDINGS, INC., to all remaining funds are superior to those of NATIONSCREDIT FINANCIAL SERVICES CORPORATION and ESTATE OF HAROLD A. IMHOFF, JR., deceased.

ORDERED AND ADJUDGED FURTHER that the Clerk shall issue a check for the funds (approximately \$11,753.64) held in the Court Registry to CRW Holdings, Inc., c/o Bill McFarland, P.A., P.O. Box 101507, Cape Coral, Florida 33910.

DONE AND ORDERED in Lee County, Florida on this 18th day of January
2007.



John W. Dommerich
County Judge

FILED LEE CO. FLORIDA
CLERK OF COURTS
2007 JAN 19 PM 1:35
BY _____
D.C.

Conformed Copies to:
Bill McFarland, P.A.
Nationscredit Financial Services
Estate of Harold A. Imhoff, Jr., Deceased

February 13, 2007

Board of County Commissioners
Lee County
Fort Myers, Florida

Honorable Commissioners:

We have received a claim for overbid funds regarding the following:
Lot 8, Block 18, Suncoast Estates

Tax Deed #	2002004058		
Strap #:	24-43-24-03-00018.0080		
Previous Owner:	The Estate of Harold A. Imhoff, Jr.		
On Overbid Check #:	58769	Dated: 5/5/2004	Amount Held: \$13,760.64
Account No:	00100.220540	Sub-Ledger:	02004058

We request that the **\$13,760.64** overbid funds held by Lee County be paid as follows:

**Lee County Clerk of Courts
P.O. Box 9367
Ft. Myers, FL 33902**



Debbie Underwood, Manager
Delinquent Tax Office