

IN THE CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

NEW MILLENNIAL, L.C., SUCCESSOR IN INTEREST TO GLORIA J. GUNTER, SUCCESSOR IN INTEREST TO ALASKAN VENTURE, LLC, SUCCESSOR IN INTEREST TO ARIZONA PACIFIC, L.P.

Plaintiff,

vs.

CASE NO: 05-CA-7819
DIVISION: K
UNC: 292005CA007819XXCICI

JAMES CLAYTON OSTEEN, et al,

Defendant(s).

NOTICE OF HEARING
UNIFORM MOTION CALENDAR

TO: THE PARTIES AND ATTORNEYS NAMED BELOW IN THE CERTIFICATE OF SERVICE

YOU WILL PLEASE TAKE NOTICE THAT THE UNDERSIGNED WILL CALL UP FOR HEARING BEFORE THE JUDGE SET FORTH BELOW AT THE LOCATION, TIME, AND DATE STATED, OR AS SOON THEREAFTER AS COUNSEL MAY BE HEARD, THE FOLLOWING MATTERS:

MOTION FOR SUMMARY JUDGMENT QUIETING TITLE

BEFORE: THE HONORABLE MARVA L. CRENSHAW
AT: GEORGE EDGEComb COURTHOUSE
800 E. TWIGGS ST., COURTROOM 500
TAMPA, FL 33602

DATE AND TIME: 3:00 PM ON NOVEMBER 22, 2005, TIME RESERVED: FIVE MINUTES

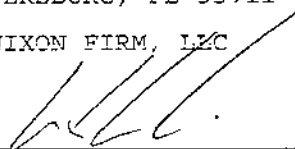
IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THE PROCEEDING SHOULD CONTACT THE NIXON FIRM AT 3105 W. WATERS AVE., #204, TAMPA, FL 33614, TELE. (813)933-7722 NOT LATER THAN 7 DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, (TDD) 1-800-955-8771, VOICES 1-800-955-8770.

cc: Judge's Secretary or Judicial Assistant
including copy of Motion(s) to be heard

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the below-named addressee(s) by U.S. Mail on October 18, 2005.

DAVID T. WEISBROD, ESQ., ATTORNEY AD LITEM, 412 E. MADISON ST., #1111, TAMPA, FL 33602, Attorney for Defendant JAMES CLAYTON OSTEEN, Deceased** NORMAN LINTON, 4905 34TH STREET SOUTH, ST. PETERSBURG, FL 33711**

NIXON FIRM, LLC

By: 
JARY C. NIXON- Bar No. 058873
VICTOR H. VESCHIO- Bar No.0136794
TARY L. NIXON- Bar No. 0152194
3105 W. WATERS AVE., SUITE 204
Tampa, FL 33614 Phone(813)258-8741

Fore 7349*10/18/2005*JEM

IN THE CIRCUIT COURT FOR HILLSBOROUGH COUNTY, FLORIDA

NEW MILLENNIAL, L.C., SUCCESSOR IN INTEREST TO GLORIA J.
GUNTER, SUCCESSOR IN INTEREST TO ALASKAN VENTURE, LLC,
SUCCESSOR IN INTEREST TO ARIZONA PACIFIC, L.P.

Plaintiff,
vs.

CASE NO: 05-CA-7819
DIVISION: K
UNC: 292005CA007819XXCICI

JAMES CLAYTON OSTEEN, et al,
Defendant(s).

MOTION FOR SUMMARY FINAL JUDGMENT QUIETING TITLE

COMES NOW the above-named Plaintiff, by its undersigned attorneys, and moves the Court for entry of a Summary Final Judgment Quieting Title against Defendants herein, pursuant to Rule 1.150, Florida Rules of Civil Procedure, and in support thereof, states:

1. That based upon the pleadings and affidavits, if any, filed herein and defaults, if any, having been duly entered against the appropriate defendants, Plaintiff is entitled to a Summary Final Judgment Quieting Title to land under the tax deed as a matter of law.

2. That Plaintiff's interest in the real property, which is the subject of the Complaint, by virtue of the Tax Deed held by Plaintiff is superior to the interest, if any, in said real property of each and every one of the Defendants in this cause.

3. The Plaintiff has established a prima facie case by introducing a Tax Deed, regular on its face. The burden then shifts to the Defendants to overcome the presumption of validity by proving such fatal defects as would vitiate the Deed. Sovereign Finance Co. v. Beach, 38 So.2d 831, (Fla. 1949), and none of the Defendants have shown any proof substantiating their claims of superiority to the Plaintiff's Tax Deed.

WHEREFORE Plaintiff prays for entry of Summary Final Judgment quieting title in the Plaintiff.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to the below-named addressees by regular U.S. Mail on October 18, 2005:

DAVID T. WEISBROD, ESQ., ATTORNEY AD LITEM, 412 E. MADISON ST., #1111, TAMPA, FL 33602, Attorney for Defendant JAMES CLAYTON OSTEEN, Deceased** NORMAN LINTON, 4905 34TH STREET SOUTH, ST. PETERSBURG, FL 33711**

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