

STATE ROAD DEPARTMENT OF)
FLORIDA, an Agency of the)
State of Florida)
etc.,)
and)
CLAY COUNTY, a Political Subdivision)
of the State of Florida,)
Petitioners,)
-vs-)
ARNOLD LARSEN, et al.,)
Defendants (s))

MOTION TO STRIKE

COME NOW the Defendants, RAYMOND O. MANN and LILLIAN B. MANN, his wife, by and through their undersigned attorneys, and respectfully show into the Court:

1. The Defendants are owners of Lots Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Twelve (12), Town of Lake Geneva, Florida, as per plat recorded in the public records of Clay County, Florida, which such lots are the subject matter of Petitioners’ parcels # 138.1, 138.2, 138.3, 138.4 as contained in the Petition filed herein.

2. Each and all of such lots, to-wit: Lots Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Twelve (12) are less than ten acres in size.

3. Heretofore on March 2, 1967, the Petitioner filed a Motion to Amend its Petition so as to show that Lots Eleven (11) and Twelve (12) of Block Twelve (12) of Lake Geneva were respectively subject to road right-of-way reservations in favor of the State of Florida in deeds recorded in Deed Book 50, Page 538 of the Public Records of Clay County, Florida and in Deed Book 46, Page 277 of the Public Records of Clay County, Florida. Petitioners had attached to its Motion such deeds

respectively marked Exhibit 2 and Exhibit 1.

4. Petitioners' Motion also requested that the value of Parcels SRD # 138.1, 138.2, 138.3, and 138.4 be FOUR HUNDRED Twenty-five and 00/100 (\$425.00) Dollars as opposed to the previous value of Two Thousand Eight Hundred Forty and 00/100 (\$2,840.00) Dollars.

5. This Honorable Court allowed the Petitioners to as amend their Petition and allege that the road right-of-way reservations covered portions of Lots Eleven (11) and Twelve (12) of Block Twelve (12), Lake Geneva, as heretofore stated, and that the value of said parcels be alleged as Four Hundred Twenty-five and 00/100 (\$425.00) Dollars by Order dated March 16, 1967.

6. The Defendants concede that there is such a reservation of easement in Lot Eleven (11) , Block Twelve (12), but deny that there is any reservation of easement in Lot Twelve, Block Twelve (12), and as grounds therefor, state that it affirmatively appears from the deed in question covering said lot that said reservation pertains only to lands in tracts or composite tracts aggregating ten acres or more.

WHEREFORE, the Defendants, RAYMOND O. MANN and LILLIAN B. MANN, his wife, respectfully move the Court as follows:

1. To strike from the amended petition herein that provision relating to SRD Parcels # 138.1, 138.2, 138.3, and 138.4 that language which states:

“SUBJECT TO:Road right-of-way reservation as shown in deed recorded in Deed Book 46 at page 277 of the public records of Clay County, Florida. Reservation covers Lot 12, Block 12, Lake Geneva.”

2. To strike from the Petitioners' amended Estimate of Value as the same relates to SRD # 138.1, 138.2, 138.3, and 138.4, the alleged value of “Four Hundred Twenty-five and 00/100 (\$425.00) Dollars”, and upon so doing, order the Petitioners to re-value the worth of the said parcels as if no reservation existed thereon as to Lot Twelve (12), Block Twelve (12), Lake Geneva.

CHANDLER, O'NEAL, CARLISLE, AVERA & GRAY

By: William H. Chandler (S)

Attorneys for Defendants
Post Office Drawer "0"
Gainesville, Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Strike has been furnished to Mr. T. J. Jennings, Jr., Post Office Box 372, Green Cove Springs, Florida, James J. Richardson, Holland Building, Tallahassee, Florida, Attorneys for Petitioners, Mr. Berwick Anderson, P.O. Box 885, Green Cove Springs, Florida, Attorney for Keystone State Bank, Mr. Thomas B. Millican and Betty E. Millican, Keystone Heights, Florida, and Mr. Harry M. Hobbs, Attorney for Mid-State Homes, Inc., 752 E. Kennedy Boulevard, Tampa, Florida, by mail, this 22nd day of March, A.D. 1967.

William H. Chandler

Of Counsel