

BEACH LIFE LAND TRUST vs.  
Jones, Larry on 08/12/2020

1                   **IN THE CIRCUIT COURT FOR WALTON COUNTY, FLORIDA**

2                                   **CASE NO. 2019-CA-217**

3 **BEACH LIFE LAND TRUST; SANTA**  
4 **CLARA LAND TRUST; COASTAL RESOURCES**  
5 **LAND TRUST NO. 1; and COASTAL RESOURCES**  
6 **LAND TRUST NO. 5,**

7                   **Plaintiffs,**

8 **vs.**

9 **WALTON COUNTY, FLORIDA,**

10                   **Defendant.**

11 **VIDEOTAPED**

12 **DEPOSITION OF:           LARRY JONES**

13 **ON BEHALF OF:           Plaintiffs**

14 **DATE:                   August 12, 2020**

15 **TIME:                   9:41 am CT to 2:41 am CT**

16 **PLACE:                  Walton County Administrative Offices**  
17 **76 North 6th Street**  
18 **DeFuniak Springs, Florida**

19 **TAKEN BEFORE:        Leila Z. Harris**  
20 **Stenographic Court Reporter**  
21 **Notary Public**  
22 **State of Florida at large**

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2  
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**APPEARANCES CONTINUED :**

**ALSO PRESENT: Peter Howard**

**Al Rodriguez, Videographer**

**UNOFFICIAL  
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\* Exhibit 19 was not provided to the court reporter and is not attached to the transcript.

P R O C E E D I N G S

1 VIDEOPHOTOGRAPHER: Good morning. This is the  
2 video deposition of Larry Jones in the matter of  
3 Beach Life Land Trust, et al., versus Walton  
4 County, Florida, Case Number 2019-CA-217, filed in  
5 the Circuit Court of the First Judicial Circuit in  
6 and for Walton County, Florida.  
7

8 This deposition is being held at 76  
9 North Sixth Street, DeFuniak Springs, Florida 32433  
10 on Wednesday, August 12, 2020, at 9:34 a.m. My  
11 name is Al Rodriguez of Precision Reporting &  
12 Video. The court reporter is Leila Harris of  
13 Daniels & Upton.

14 Would counsel please introduce themselves for  
15 the record, after which the witness will be sworn.

16 MR. GORDON: Yes. This is Ben Gordon,  
17 Counsel for the Plaintiffs.

18 MR. WARNER: And William Warner, Counsel for  
19 the County.

20 And also --

21 MS. CHRISTMAN: And -- okay.

22 MR. WARNER: -- Heather Christman is also  
23 present on behalf of the County.

24 LARRY JONES

25 was called as a witness, and after having been first



1 duly sworn was deposed and testified as follows:

2 THE WITNESS: Yes.

3 EXAMINATION

4 BY MR. GORDON:

5 Q. Mr. Jones, if you would, please state your  
6 full name for the record.

7 A. Larry David Jones.

8 Q. Okay. Mr. Jones, have you had your  
9 deposition taken before?

10 A. Yes.

11 Q. Okay. You're familiar with the -- how the  
12 process works then. We're going to try to be as  
13 efficient as we can, though we have a lot of issues we  
14 have to cover today. There may be some questions I ask  
15 that seem obvious or seem unnecessary, but I hope you  
16 understand that I have to go through and, for lack of a  
17 better term, check the box on certain items before we go  
18 to trial.

19 Do you understand that?

20 A. Yes, sir.

21 Q. All right. We'll take breaks throughout the  
22 day. If at any time you need a break, just let me know.  
23 Happy to take a break. I would ask that whatever the  
24 last question was, you answer that, and then we'll take  
25 the break, okay?

1 A. Yes, sir.

2 Q. All right. What is your current position?

3 A. County administrator for Walton County,  
4 Florida.

5 Q. And how long have you been in that position?

6 A. Right at seven years.

7 Q. All right. And what are your duties as the  
8 county administrator?

9 A. Oversee the operation of the County that  
10 falls under the Board of County Commissioners, except  
11 for the county attorney's office and the Tourist  
12 Development Council.

13 Q. Okay. Do you advise the county  
14 commissioners?

15 A. At times.

16 Q. Okay. Is that part of your duties?

17 A. At times.

18 Q. Okay. So that's a yes?

19 A. Yes, sir.

20 Q. Okay. And what was your position before  
21 then?

22 A. Immediately before I was administrator, I was  
23 a special project's coordinator for County for -- from  
24 April till August. And prior to that, I was a county  
25 commissioner, District 3 in Walton County, for 12 years.

1 Q. All right. You were county commissioner for  
2 12 years?

3 A. Yes, sir.

4 Q. And special projects, was that for Walton  
5 County?

6 A. Yes, sir.

7 Q. All right. If you would, please explain your  
8 education and professional experience for me, leading up  
9 to you being a county commissioner.

10 A. Leading up to me being a county commissioner?

11 Q. Yes, sir.

12 A. Well, I was elected as county commissioner in  
13 2000. At that time, I had a bachelor's degree in  
14 management from the University of West Florida, I had --  
15 my career had been in private sector in the business  
16 world, owning, operating, manages a number -- a number  
17 of small businesses --

18 Q. And where were they located?

19 A. I'm sorry?

20 Q. Where were they located?

21 A. In Northwest Florida, Fort Walton Beach,  
22 Crestview --

23 Q. Okay.

24 A. -- primarily.

25 Q. And you mentioned, was it a master's degree

1 from the University of West Florida?

2 A. No, sir.

3 Q. Okay. Bachelor's degree?

4 A. Correct.

5 Q. Okay. When did you obtain that?

6 A. 1982, I believe.

7 Q. Okay. Any subsequent education or  
8 professional experience after becoming a county  
9 commissioner?

10 A. Yes, sir. I earned a master's degree in  
11 public administration in 2008.

12 Q. Okay. And from where?

13 A. Strayer University.

14 Q. All right. Anything else?

15 A. Other than the typical training that comes  
16 along with serving in that capacity as a commissioner  
17 through Florida Association of Counties and those type  
18 affiliates, National Association of County.

19 Q. Okay. What do you understand this lawsuit to  
20 concern?

21 A. I don't have a real good understanding of the  
22 suit. All -- basically, all I know from it is what our  
23 legal counsel has shared with me dealing with some  
24 right-of-ways and, perhaps, easements.

25 Q. Okay. But you don't have a good

1 understanding of what the lawsuit's about?

2 A. I've just explained that what I know is -- I  
3 know from counsel. I don't know how to define a good  
4 understanding.

5 Q. Have you read the complaint?

6 A. I don't recall reading it in its entirety. I  
7 may have read parts of it.

8 Q. All right. Based on -- on that, what do you  
9 understand this lawsuit to concern?

10 A. The same thing I mentioned a moment ago, that  
11 there's some easements and right-of-ways in a particular  
12 area of South Walton that your clients claim some right  
13 of ownership and the ability to transfer to whomever.  
14 And in this instance, they're trying -- wish to transfer  
15 it to the County, and -- and I think what I know as to  
16 why we're here today in this suit would be subject to  
17 what my legal counsel has shared with me. And I don't  
18 know if I've got liberty to discuss that or not.

19 Q. I'm not asking what your lawyers have talked  
20 to you. I'm just -- you've read part of the complaint,  
21 evidently. So I'm just asking what you understand the  
22 lawsuit to concern.

23 A. I've explained that.

24 Q. Okay. What do you understand to be Walton  
25 County's position -- well, let me ask you this: What

1 is -- do you understand to be my client's basis to  
2 assert ownership to the properties at issue?

3 A. I understand there was some activity as far  
4 as probating some individuals' estates that put your  
5 clients in a position that they felt and, perhaps, I  
6 suppose still feel that they have a legal right to  
7 certain properties, as I understand them, easements and  
8 right-of-ways, that they have such interest so they  
9 could transfer that to the County or any other entity  
10 they chose to.

11 Q. Okay. Are you -- are you aware that my  
12 clients have also -- are also willing to just own the  
13 properties and development the properties, that they  
14 don't need to transfer it to anybody? Are you aware of  
15 that?

16 A. I would assume that, if they claim ownership,  
17 they claim whatever rights come with that ownership.

18 Q. All right.

19 A. If that's development or whatever it may be.

20 Q. I mean, you're aware my clients have offered  
21 to sell these properties to the County, correct?

22 A. Correct.

23 Q. You're also aware, my clients are willing  
24 for -- to not take a dollar from the County, nothing,  
25 and just take ownership of the properties. You're aware

1 of that too, right?

2 MR. WARNER: Object to form.

3 A. I'm not sure I'm aware of that. As you state  
4 your question, it's either we're going to take money for  
5 the -- from the County or we're going to take ownership  
6 of the property.

7 BY MR. GORDON:

8 Q. Right.

9 A. So --

10 Q. And they -- my --

11 A. So -- excuse me.

12 That that would imply that they don't have  
13 ownership and would only have ownership if the County  
14 refuses to pay them.

15 Q. Right.

16 Are you aware that my clients offered to  
17 enter into a stipulated judgment with the County to  
18 quiet title to the properties for zero dollars from the  
19 County?

20 MR. WARNER: Object to form.

21 A. I -- I -- I don't remember the specifics of  
22 that, but it could've well been in some of our  
23 discussions with our attorneys.

24 BY MR. GORDON:

25 Q. I mean, my clients have been discussing this

1 with the County for quite a while, right?

2 A. For -- you would have to define "quite a  
3 while," but for --

4 Q. Couple years?

5 A. Probably.

6 Q. I mean, a year before they even filed  
7 lawsuit, correct?

8 A. I don't know.

9 Q. All right. Do you have any reason to dispute  
10 it was a year?

11 A. No, sir.

12 Q. Okay.

13 A. I don't have any reason to dispute any amount  
14 of time because I'm not privy to the first communication  
15 that was with the County.

16 Q. Just the communications you were involved  
17 with, then, those were about a year before the lawsuit  
18 was filed, weren't they?

19 A. I would have to go back and look at the  
20 calendars. I'm not sure. That could very well be  
21 correct, though.

22 Q. Do you disagree with my client's position in  
23 this lawsuit?

24 MR. WARNER: Object to form.

25 A. I think -- I think that my position is based



1 on advice of our counsel and our legal position as  
2 they've determined it, and I would defer to the actions  
3 of the board and to what I have learned about the case  
4 from counsel and -- and probably to that.

5 BY MR. GORDON:

6 Q. Is there any factual allegation my clients  
7 have alleged with which you personally disagree?

8 MR. WARNER: Object to the form.

9 A. Well, I don't know all the factual  
10 allegations your client has made.

11 BY MR. GORDON:

12 Q. Of the parts of the complaint that you did  
13 read, are there any factual allegations in the part that  
14 you did read with which you personally disagree?

15 MR. WARNER: Object to form.

16 A. I would have to go back and review it. I --  
17 I don't recall.

18 BY MR. GORDON:

19 Q. What is your understanding of the County's  
20 position in this lawsuit?

21 A. That -- again, my understanding is based on  
22 information that have been provided to me by my legal  
23 counsel. And other than the public stance that we  
24 oppose the suit and the intent to defend it, I don't  
25 know that I have another position.

1 Q. What is your understanding of the factual  
2 allegations made by the County in response to this  
3 lawsuit?

4 A. I would defer to legal counsel.

5 Q. No, sir. I'm not asking -- sir, I'm not  
6 asking about --

7 A. I'm asking you a question.

8 Q. Well, I mean, I -- you're not -- because I'm  
9 asking about the factual allegations.

10 MR. WARNER: He just said that he hasn't --

11 (Simultaneous Speakers)

12 MR. GORDON: That is not relevant.

13 MR. WARNER: He just said that it --

14 MR. GORDON: Let me finish my question.

15 MR. WARNER: He just said that he doesn't  
16 know the factual allegation.

17 BY MR. GORDON:

18 Q. Okay. So are you -- is that your position,  
19 you don't know the factual allegations in this -- of the  
20 County in this case?

21 A. I'm deferring to counsel to -- to determine  
22 what those are, make the best decisions to bring to the  
23 Board of County Commissioners.

24 Q. So it's your position that you know nothing  
25 about the factual allegations asserted by Walton County

1 in this case other than what your lawyers have told you?

2 MR. WARNER: Object to form.

3 BY MR. GORDON:

4 Q. Is that your position, sir?

5 A. And I'm -- and I'm trying to decipher where I  
6 would learn differently.

7 Q. I don't know. You're the county  
8 administrator.

9 A. Well, and you're -- yes, sir.

10 Q. Yes or no? Do you know anything about the  
11 factual allegations in this case other than what your  
12 lawyers have told you?

13 A. No.

14 Q. What was that?

15 A. No.

16 Q. I'm going to show you what we're going to  
17 mark as Exhibit 1 to your deposition.

18 (Exhibit 1 was marked for identification)

19 MR. WARNER: Thank you.

20 (Sotto Voce Discussion)

21 BY MR. GORDON:

22 Q. This is attached as Exhibit B1 to the current  
23 complaint in this case.

24 Have you ever seen this document?

25 A. I can't -- I can't tell you with certainty

1 whether I have or haven't.

2 Q. Do you know what this property concerns?

3 A. No, sir. I mean, it's very small, but I have  
4 difficulty reading it. So...

5 Q. Are you aware that this property is south of  
6 Montigo in Walton County?

7 A. The -- the entirety?

8 Q. Yes, sir. As to what the survey shows.

9 A. I'm sorry?

10 Q. Of what the survey shows.

11 A. Without -- at first blush, I would not know  
12 that, no, sir.

13 Q. Okay. So I'm going to walk through a series  
14 of -- of exhibits that are attached to the complaint  
15 just to help define what properties we're talking about  
16 in this case. So it may take me a minute, but just so  
17 you know that's where we're going in this, okay?

18 (Exhibit 2 was marked for identification)

19 BY MR. GORDON:

20 Q. I'm going to show you what's been marked as  
21 Exhibit 2.

22 MR. GORDON: If you don't mind handing that  
23 to the witness.

24 BY MR. GORDON:

25 Q. This is attached to the operative complaint

1 in this case as B3.

2 Are you familiar with this property?

3 A. Without studying it and -- and creating  
4 greater understanding, I do not -- I do not.

5 Q. Okay.

6 (Exhibit 3 was marked for identification)

7 BY MR. GORDON:

8 Q. I'm going to show you what's marked as  
9 Exhibit 3.

10 Are you familiar with this document? It's  
11 attached as Exhibit B4 to the operative complaint?

12 A. Again, not at first blush.

13 Q. What -- what would -- what would be your  
14 second blush?

15 A. It would be a much larger product in context  
16 of a whole.

17 Q. Okay. And -- like a whole county?

18 A. Well, certainly, that would put it in the --  
19 the greatest of context, but...

20 Q. What would you need to be able to identify  
21 the document, the property at issue?

22 A. I'm not sure. I'll be glad to look at  
23 whatever you got.

24 Q. I'm going to show you what we're going to  
25 mark as Exhibit 4 to your deposition.

1 (Exhibit 4 was marked for identification)

2 (Sotto Voce Discussion)

3 BY MR. GORDON:

4 Q. All right. I'm going to show you Exhibit 4  
5 to your deposition, which I believe is a copy of  
6 Exhibit B5 to the operative complaint.

7 (Exhibit 5 was marked for identification)

8 BY MR. GORDON:

9 Q. I'm going to show you now and hand to you  
10 Exhibit 5 to your deposition, which is Exhibit B6 to the  
11 operative complaint.

12 (Exhibit 6 was marked for identification)

13 BY MR. GORDON:

14 Q. And I'm going to show you and hand to you  
15 Exhibit 6, which is Exhibit B7 to the operative  
16 complaint.

17 (Sotto Voce Discussion)

18 (Exhibit 7 was marked for identification)

19 BY MR. GORDON:

20 Q. I'm going to show you Exhibit 7, which is  
21 Exhibit B8 to the complaint.

22 MR. WARNER: Is that -- is that an extra  
23 copy --

24 MR. GORDON: It probably is just an extra.

25 MR. WARNER: You said that was B8?

1 THE REPORTER: Yes.

2 MR. GORDON: Yes.

3 MR. WARNER: Okay. Thank you.

4 (Exhibit 8 was marked for identification)

5 BY MR. GORDON:

6 Q. I'm going to show you Exhibit 8, which is  
7 Exhibit C1 to the complaint.

8 And when you reviewed the complaint,  
9 Mr. Jones, did you see the exhibits that were attached  
10 to the complaint?

11 A. I don't recall. I may have.

12 Q. Have you ever reviewed the exhibits to the  
13 complaint?

14 A. Not -- not that I recall.

15 Q. All right. These exhibits that I've just  
16 shown you that are attached to the complaint --

17 A. Uh-huh.

18 Q. -- I'll represent are parcels in Gulf Shore  
19 Manor. Are you familiar with Gulf Shore Manor?

20 A. Some, yes, sir.

21 Q. Okay. Do you understand that's what this  
22 lawsuit concerns, these properties at issue in Gulf  
23 Shore Manor?

24 A. Yes, sir.

25 Q. Okay.

1           A.       Let me back up. I understand that, when we  
2 refer to the suit, our staff refers to it as Gulf Shore  
3 Manor. I'm not certain that I could tell you which  
4 properties in Gulf Shore Manor or -- Manor are impacted  
5 by the suit.

6           Q.       Okay. Do you disagree with me that, at some  
7 point, these parcels were private property to which  
8 Walton County had no right of ownership or right-of-way?

9           MR. WARNER: Object to form.

10          A.       I don't know that for a fact.

11 BY MR. GORDON:

12          Q.       You don't know that?

13                   Do you disagree with that?

14          MR. WARNER: Object to form.

15          A.       I don't know that as a fact.

16 BY MR. GORDON:

17          Q.       Is there anybody in Walton County that you  
18 know -- believe may know the answer to that?

19          A.       I suspect there may be someone. I couldn't  
20 point you in that direction.

21          Q.       Okay. So if I wanted to ask Walton County  
22 that question --

23          A.       Well, define Walton County.

24          Q.       Anyone that works for the Board of County  
25 Commissioners of Walton County.



1           A.       Today or forever?

2           Q.       Today.

3           A.       Okay.

4           Q.       In this lawsuit today because I'm about to go  
5 to a jury. And if I want to call a person up to the --  
6 explain to the jury and answer that question, who is the  
7 human being as the county administrator do you say could  
8 answer that question?

9           A.       I'm not sure.

10          Q.       So as the county administrator, you don't  
11 know any human being that works with the Board of County  
12 Commissioners that could answer that question?

13          A.       Sir, as the county administrator, I don't  
14 know a lot of what the human beings that work for the  
15 county commission know about this issue or any number of  
16 others.

17          Q.       Are you aware of whether the County has a  
18 deed granting the county title to any of those exhibits  
19 that I've just shown you, those parcels?

20          A.       I'm not aware.

21          Q.       Are you aware of whether the County has  
22 sought to condemn any of that land through eminent  
23 domain to obtain ownership?

24          A.       Not that I'm aware of.

25          Q.       Are you aware of whether the County has ever

1 obtained any judgment in its favor granting it ownership  
2 of any of those parcels?

3 A. Not that -- not that I recall or am aware of.

4 Q. Are you aware of whether the County has a  
5 written lease to use any of those parcels?

6 A. No, sir.

7 Q. No, sir, you're not aware; or no, sir, there  
8 is not?

9 A. Was that the quest- -- what was your  
10 question?

11 Q. Are you aware of any written lease the County  
12 has to use any of those parcels?

13 A. No, sir.

14 Q. Does the County have a written easement to  
15 use any of those lands?

16 A. Not that I'm aware of. They may have.

17 Q. Where would that written easement be located?

18 A. I suppose in the public records.

19 Q. Why do you believe a written easement may  
20 exist?

21 A. I didn't say I believe one may exist.

22 Q. Yeah, you did. You said, "there may be."

23 MR. WARNER: Object to form.

24 BY MR. GORDON:

25 Q. So I'm asking, why do you believe there may

1 be one?

2 A. I only hesitate because I'm trying to figure  
3 out, you know, what we're splitting here. There may or  
4 there may not be. I don't have a belief either way.

5 Q. You don't know of any written easement to use  
6 those parcels, do you?

7 A. No.

8 Q. Do you know --

9 A. I don't know that there's not one either.

10 Q. Do you know -- well, I'm asking whether there  
11 is one.

12 A. And I'm -- I'm telling you my answer.

13 Q. Do you know whether the County has a written  
14 license agreement to use any of those lands?

15 A. I don't know.

16 Q. Do you know whether the County has, in fact,  
17 used or developed anything on those lands?

18 A. I know that the TDC has some boardwalks in  
19 that area. Whether they coincide with what you're  
20 pointing out, I -- I'd have to do some further research.

21 Q. Do you know -- have you ever heard the name  
22 Mil- -- Mildred Feldman?

23 A. I think only through legal counsel.

24 Q. I mean, are you aware that this land was  
25 originally owned by Mildred Feldman in 1925?

1 MR. WARNER: Object to form.

2 A. If I know that, it was from conversations  
3 with the counsel.

4 BY MR. GORDON:

5 Q. All right. Do you know whether the County's  
6 ever attempted to research and contact Mildred Feldman,  
7 her -- or her heirs about ownership of these properties?

8 A. Again, define the County.

9 Q. Those that work for the Board of County  
10 Commissioners.

11 A. Today?

12 Q. At any time in history.

13 A. I -- I don't know that they did or did not.

14 Q. Ever?

15 A. Ever.

16 Q. So you're unaware of the County ever  
17 attempting to reach -- to reach Ms. Feldman or her  
18 heirs, correct?

19 MR. WARNER: Object to form.

20 A. I'm unaware of whether that effort was ever  
21 made.

22 BY MR. GORDON:

23 Q. Okay. Are you aware of whether the County  
24 ever attempted to open a probate proceeding to obtain  
25 county ownership of these parcels?

1 A. I'm not aware of it.

2 Q. Are you aware of whether the County ever  
3 obtained a dedication of any of these properties from  
4 Ms. Feldman?

5 A. I'm -- no.

6 Q. You're not aware of that?

7 A. I'm not, no.

8 Q. Does the County claim to own each of these  
9 properties that I've handed to you in those exhibits?

10 MR. WARNER: Object to -- object to form.

11 A. I -- I would to hesitate to say yes or no  
12 without having more detail on the property and comparing  
13 it to what the County claims through ownership.

14 BY MR. GORDON:

15 Q. Does the County claim any right-of-ways over  
16 those properties?

17 A. I would have to -- I would have to have more  
18 information about what properties specifically and what  
19 right-of-way claims we may be making.

20 Q. Are you aware of whether the County has ever  
21 paid any compensation to Ms. Feldman, her estate, or her  
22 heirs as to -- related to any of these properties?

23 A. Not that I'm aware of.

24 Q. To your knowledge, Walton County has never  
25 paid anyone for those subject properties in this law --

1 that are at issue in this lawsuit, have they?

2 MR. WARNER: Object to form.

3 A. I think I just answered the question. What  
4 was your last question?

5 BY MR. GORDON:

6 Q. I -- that was -- I asked whether you had --  
7 whether the County had paid Ms. Feldman, her estate, or  
8 her heirs, and you were unaware. And I'm clarifying,  
9 the County's never paid anybody for these properties,  
10 correct?

11 A. I'm not --

12 MR. WARNER: Object to form.

13 A. I don't know whether they have or not.

14 BY MR. GORDON:

15 Q. You don't --

16 A. I'm not aware of any of it.

17 Q. Okay. Do you believe that Walton County  
18 should be able to use property held by a private  
19 property owner without paying for it?

20 MR. WARNER: Object to form.

21 A. Do I believe -- repeat that, please.

22 BY MR. GORDON:

23 Q. Do you believe that Walton County should be  
24 able to use property of a private property owner without  
25 paying for it?

1 MR. WARNER: Object to form.

2 A. I suspect there are instances where the  
3 County uses property for certain things without  
4 compensation.

5 BY MR. GORDON:

6 Q. And what are those instances?

7 A. Right-of-ways, easements. You know, they're  
8 granted in favor of the County for...

9 Q. What do you mean "granted in favor of the  
10 County"?

11 A. That a -- that a deed would be a portion,  
12 perhaps, of a deed would be reserved for certain uses  
13 that would benefit the public, and the County would be  
14 the grantee in utilizing those properties for those  
15 activities.

16 Q. And would those instances be where the  
17 property owner has signed a document granting that right  
18 to the County?

19 A. That would certainly be one instance. There  
20 could potentially be others, I suppose.

21 Q. Is there ever an instance in which the County  
22 can take or use private property, in your opinion,  
23 without the owner's consent and without paying for it?

24 MR. WARNER: Object to form.

25 A. I don't provide legal opinions to the

1 County -- or to the board, so -- and that would, to me,  
2 be a legal question, which I would defer to our county  
3 attorney's office.

4 BY MR. GORDON:

5 Q. You have a master's degree in public  
6 administration, correct?

7 A. Yes, sir.

8 Q. Did they ever teach you about eminent domain?

9 A. Yes, sir.

10 Q. Are you aware of what that is?

11 A. I am.

12 Q. Are you aware of why that's necessary?

13 MR. WARNER: Object to form.

14 A. I'm aware of the concept. The necessity of  
15 it would be more related to the facts and --

16 BY MR. GORDON:

17 Q. So --

18 A. -- particular issue.

19 Q. So sitting here today, can you name any  
20 instance in which Walton -- you believe Walton County  
21 should be entitled to take private property without the  
22 owner's consent and without paying for it?

23 MR. WARNER: Object to form.

24 A. Well, that's a different question. The  
25 County's entitled to use its eminent domain rights if



1 and when it sees it for specific reasons.

2 BY MR. GORDON:

3 Q. Well, you understand, to use eminent domain,  
4 you have to pay for the property use, correct?

5 A. Eventually, yes.

6 Q. Okay. My question was: Are you aware of any  
7 instance in which you believe the County should be able  
8 to take and use private property without the owner's  
9 consent or without paying for it?

10 MR. WARNER: Object to form.

11 A. I think I've answered that question.

12 BY MR. GORDON:

13 Q. I don't think you have.

14 A. Well --

15 Q. So please answer it again.

16 THE WITNESS: Was that question asked  
17 earlier?

18 BY MR. GORDON:

19 Q. No. You can't ask her. Just --

20 A. Okay. I'm asking you, was that question  
21 asked earlier?

22 Q. It was not.

23 A. And I think that was where I referred to the  
24 fact that I don't provide legal opinions to the Board of  
25 County Commissioners.

1 Q. That wasn't my question, whether you provide  
2 opinions. I'm asking --

3 A. Well, that's my answer.

4 Q. All right.

5 A. You want my opinion, my opinion is county  
6 staff, county legal staff provides those opinions to the  
7 Board of County Commissioners.

8 Q. Are you aware of whether the County has  
9 recorded any document in the public records prior to  
10 this lawsuit being filed asserting a county claim to a  
11 right-of-way over these parcels?

12 A. I don't have any firm recollection of it.

13 Q. Do you have any loose recollection of it?

14 A. No.

15 Q. So do you have any recollection at all of it?

16 A. No.

17 Q. Okay. Are you aware that some of these  
18 parcels currently remain in their natural vegetative  
19 state, meaning they've never been developed?

20 A. No.

21 Q. You have no knowledge?

22 A. No, sir.

23 Q. Does that matter to you?

24 MR. WARNER: Object to form.

25 A. In -- I'm not sure. What do you mean, does

1 it matter to me?

2 BY MR. GORDON:

3 Q. With respect to the County's position in this  
4 lawsuit.

5 A. I would suspect it has no impact on the  
6 County's position.

7 Q. Okay. Why not?

8 A. Property is property.

9 Q. If the parcels -- if any of these parcels  
10 are -- remain in their natural, undeveloped state, would  
11 you agree with me that those parcels are obviously not  
12 used as highways necessary for use by the traveling  
13 public?

14 MR. WARNER: Object to form.

15 A. If a parcel is in its natural state, would I  
16 agree with you that it's not used as a highway?

17 BY MR. GORDON:

18 Q. Necessary for use by the traveling public.

19 MR. WARNER: Object to form.

20 A. Probably two or three questions there. If  
21 it's in natural state, it's probably not a highway.

22 Okay.

23 BY MR. GORDON:

24 Q. You agree with that?

25 A. I agree with that.

1           Now, whether who may use it or determine  
2 their right to use it, you know, is, perhaps, a  
3 different question.

4           (Exhibit 9 was marked for identification)

5 BY MR. GORDON:

6           Q.     I'm now going to show you what I've marked as  
7 Exhibit 9 to your deposition. I'll represent to you  
8 that this is a depiction recorded in Walton County  
9 public records July 1925.

10           Have you ever seen this document before?

11           A.     I don't recall seeing it. May have.

12           Q.     Does this help you in any way put the  
13 specific parcel surveys that I showed you in context?

14           A.     No, sir, because I can't identify what  
15 parcels are where, and numbers are too small for me to  
16 read.

17           Q.     Do you see anywhere on Exhibit 9 where it was  
18 executed by Mildred Feldman?

19           A.     I don't, but I -- if I'm missing it and you  
20 want to point it out to me, that's fine.

21           Q.     No, I -- I'm -- I don't -- I'm unaware for  
22 having executed. I'm asking if you've seen any  
23 execution on there of -- by Ms. Mildred Feldman.

24           A.     No, sir.

25           Q.     Are you aware of any depiction from 1925

1 related to Gulf Shore Manor executed by Mildred Feldman?

2 A. I'm not aware of any, no, sir.

3 Q. Are you aware of anyone else that may have  
4 had title to these properties known as Gulf Shore Manor  
5 in 1925 -- prior to July of 1925 other than Mildred  
6 Feldman?

7 A. I am not.

8 (Exhibit 10 was marked for identification)

9 BY MR. GORDON:

10 Q. I'm going to show you what's been marked as  
11 Exhibit 10.

12 I'll represent to you that this is recorded  
13 in the Walton County public records, and it purports to  
14 be a depiction that was recorded in 1958 of Gulf Shore  
15 Manor.

16 Are you familiar with this document?

17 A. No, sir.

18 Q. Have you ever seen it?

19 A. Not that I recall.

20 Q. Does it help put in context the surveys of  
21 the prior parcels that I showed you as Exhibits B and C  
22 to the operative complaint?

23 A. Without going back and getting a magnifying  
24 glass and determining what's what, it doesn't.

25 Q. Do you see anywhere where this document has

1 been signed by Mildred Feldman?

2 A. No, sir, but there are -- appears to be  
3 things there I can't read, so...

4 Q. Okay. Are you aware of any depiction  
5 recorded in the Walton County records in 1958  
6 purportedly of Gulf Shore Manor signed by Mildred  
7 Feldman?

8 A. No.

9 Q. If you look at this exhibit, which is 10 --

10 A. I'm sorry, what number?

11 Q. It's Exhibit 10 --

12 MR. WARNER: 10.

13 BY MR. GORDON:

14 Q. -- the one we were just looking at.

15 A. Okay.

16 Q. The north -- do you see at the bottom where  
17 it says Gulf of Mexico?

18 A. Yes, sir.

19 Q. All right. There are some roads that run  
20 north-south. Do you see those?

21 One is San Juan, the other's Santa Clara, and  
22 the other is Montigo?

23 A. Well, they don't run to the Gulf of Mexico,  
24 but I see those.

25 Q. But you see the ones that go -- that run

1 north-south?

2 A. Yes, sir.

3 Q. That was my question.

4 A. Uh-huh.

5 Q. I didn't say it ran to the Gulf of Mexico. I  
6 said --

7 A. Well, you --

8 Q. -- they go north-south.

9 A. You asked me if I saw the Gulf of Mexico and  
10 the roads that ran north of there.

11 Q. No, I said north-south. Do you see the  
12 north-south roads?

13 A. I see the north-south roads, yes, sir.

14 Q. Well -- and you led to my next question  
15 because it's important. With respect to Montigo Avenue,  
16 where does it terminate on the south end?

17 A. It appears, Gulf Shore Beach, if I'm reading  
18 that correctly.

19 Q. Well, you would agree with me that Montigo  
20 Avenue, even in this depiction, does not go all the way  
21 to the Gulf of Mexico, does it?

22 MR. WARNER: Object to form.

23 A. I --

24 BY MR. GORDON:

25 Q. That's what you just said, right?

1           A.     I agree that, in this depiction, it appears  
2 to end at Gulf Shore Beach.

3           Q.     Okay. It doesn't extend past Gulf Shore  
4 Beach, does it?

5           A.     As it's depicted here, it does not.

6           Q.     Are you aware of any other depiction anywhere  
7 in the world that shows Montigo Avenue going past Gulf  
8 Shore Beach?

9           A.     No, sir.

10          Q.     Are you aware of any depiction anywhere in  
11 the world showing that Montigo Avenue goes all the way  
12 to the Gulf of Mexico?

13          A.     No, sir.

14          Q.     Okay. In the prior exhibit, the 1925  
15 depiction, Exhibit 9, do you see where Montigo Avenue  
16 terminates at the south end?

17          A.     I do.

18          Q.     Where?

19          A.     I believe it says Gulf Shore -- it looks like  
20 the last word may be beach, but I can't make it out.

21          Q.     Are you aware of whether either of these  
22 depictions, the 19- -- either Exhibits 9 or 10, complied  
23 with the plat laws for the dedication of property in  
24 1925?

25               MR. WARNER: Object to form.



1           A.       I am not.

2   BY MR. GORDON:

3           Q.       Are you aware of whether they complied with  
4   the plat laws for dedication of property to the County  
5   in 1958?

6           MR. WARNER:   Object to form.

7           A.       No, sir.

8   BY MR. GORDON:

9           Q.       Excuse me?

10          A.       No.

11          Q.       To your knowledge, did the County ever accept  
12   a dedication of the properties at issue in this lawsuit?

13          A.       I think there's a number of ways to accept  
14   dedication.  Whether the County has exercised any of  
15   those uses, I would have to go back and revisit the  
16   particulars.

17          Q.       Sitting here today, are you aware of any  
18   instance in what the County -- in which the County ever  
19   accepted a dedication of the properties that are at  
20   issue in this lawsuit?

21          MR. WARNER:   Object to form.

22          A.       And I think the -- I think I provided an  
23   answer to that.

24                    Is that the same question you asked a moment  
25   ago?

1 BY MR. GORDON:

2 Q. Well, I take it you're not aware of any  
3 instance as you sit here today in which Walton County  
4 ever accepted a dedication of the properties at issue in  
5 this lawsuit, correct?

6 A. If -- if you're asking if I could go point  
7 you to one --

8 Q. That's not my question.

9 A. Okay.

10 Q. I'm asking, can you tell me today --

11 A. No, I can't tell you today.

12 Q. Okay. So you cannot tell me today of any  
13 instance in which Walton County ever accepted a  
14 dedication of the properties at issue, correct?

15 A. I just answered that question.

16 MR. WARNER: Object to form.

17 BY MR. GORDON:

18 Q. It's your position you would have to go see  
19 some other documents, right?

20 A. That's correct.

21 Q. What other documents would you have to go  
22 look at?

23 A. I'm not sure. I -- you know, we would  
24 probably begin with where we are and move forward.

25 Q. Okay. What would you -- what would be the

1 next document you would look at?

2 A. I'm not sure. Depending on where one would  
3 lead me.

4 Q. Okay. Well, if I wanted to go find those  
5 documents myself --

6 A. Yes, sir.

7 Q. -- what would be the next document I should  
8 go look for?

9 A. That would be your determination.

10 Q. What's the next document you would go look  
11 for?

12 A. I've answered that.

13 Q. You don't know?

14 A. At this point, I could -- I couldn't  
15 specifically say I'd go look for this or this or this.

16 Q. All right. How would you determine what's  
17 the next document you would go look for?

18 A. Not sure.

19 Q. With respect to the properties in those  
20 depictions known as Gulf Shore Manor, are you aware of  
21 anyone else that held title to that property prior to  
22 July of 1925 other than Mildred Feldman?

23 A. Other than --

24 MR. WARNER: Object to form.

25 Go ahead.

1           A.       I'm relying on you telling me that Mildred  
2       Feldman owned it since -- at 1955.

3       BY MR. GORDON:

4           Q.       1925.

5           A.       1925, excuse me. You're correct.

6                    So I don't know for a fact, based on my  
7       personal knowledge, that she owned it then. So I'm  
8       relying on you. So based on what you've said, I don't  
9       know who owned it prior to, during, or after 1925.

10          Q.       You don't know if it was Mildred Feldman or  
11       somebody else?

12          A.       That's correct.

13          Q.       You certainly couldn't point to anybody other  
14       than Mildred Feldman, correct?

15          A.       I couldn't point --

16                   MR. WARNER: Object to form.

17          A.       -- to Mildred Feldman.

18       BY MR. GORDON:

19          Q.       All right. Or anyone else?

20          A.       Or any...

21          Q.       Correct?

22          A.       Correct.

23          Q.       With respect to Exhibits 9 and 10, the 1925  
24       depiction, the 1958 depiction, do you agree with me that  
25       those depictions were never accepted by Walton County as

1 a dedication of any property to the County?

2 MR. WARNER: Object to form.

3 Can we take a break?

4 THE WITNESS: Just a second.

5 BY MR. GORDON:

6 Q. After you answer that question.

7 A. What?

8 Q. After you answer the question, we can take a  
9 break.

10 A. Can we answer it -- this is my health  
11 department lady. I'm -- I'm sure we've got some virus  
12 something I need to know about.

13 Q. Yes, please. Take a break then.

14 A. I'll come back to it if you don't mind.

15 Q. Absolutely.

16 VIDEOGRAPHER: We're off the record.

17 The time is currently 10:18 a.m. And we're  
18 off the video record.

19 (Recess)

20 VIDEOGRAPHER: Time is currently 10:26 a.m.

21 And we're back on the video record.

22 BY MR. GORDON:

23 Q. Do -- Mr. Jones, do you agree that the  
24 depictions that are 9 and 10 -- Exhibits 9 and 10 in  
25 front of you were never accepted by Walton County as a

1 dedication of any property to the County?

2 MR. WARNER: Object to form.

3 A. I can't agree to that because I -- I  
4 really -- they're so small, I can't read them, and I  
5 can't determine what they say or what they don't say.

6 BY MR. GORDON:

7 Q. So is it fair to say that, do you know  
8 whether any property in Gulf Shore Manor was ever  
9 dedicated to the County?

10 MR. WARNER: Object to form.

11 A. I don't know that it was. Again, based on  
12 what you've presented to me today, I cannot even begin  
13 to make a determination.

14 BY MR. GORDON:

15 Q. Beyond what I've presented to you today --

16 A. I understand.

17 Q. -- are you aware of any dedication --

18 A. No, sir.

19 Q. -- in Gulf Shore Manor to the County?

20 A. No.

21 Q. With respect to Exhibit 9, the 1925 plat, or  
22 depiction, are you aware of whether the clerk of court  
23 for Walton County ever accepted that depiction?

24 A. I have no idea.

25 Q. And you have no idea as to whether it

1 complied with the law re- -- legal requirements for a  
2 plat at the time?

3 MR. WARNER: Object to form.

4 BY MR. GORDON:

5 Q. Correct?

6 A. Correct.

7 Q. Are you aware of whether an original duly  
8 executed, as required by law plat, was submitted to the  
9 County for Gulf Shore Manor in 1925?

10 MR. WARNER: Object to form.

11 A. I only hesitate to answer because the answer  
12 to my previous question was that -- can you read -- can  
13 you go back and read the previous question about --

14 BY MR. GORDON:

15 Q. Well, let me just --

16 A. Well -- well, my point is, the way you asked  
17 that question would indicate that the aerial versions  
18 did not comply with the law.

19 Q. I'm not asking you -- I'm just asking --

20 A. Well, I --

21 Q. -- what you know, not -- I'm not trying to  
22 indicate one thing or the other.

23 A. Well...

24 Q. I'm just asking questions. You just answer  
25 them as best you can.

1           So are you aware of whether an original, duly  
2           executed version of the plat was ever submitted to  
3           Walton County?

4           A.     No.

5           MR. WARNER: Object to form.

6           BY MR. GORDON:

7           Q.     No, you're not aware?

8           A.     No.

9           Q.     You previously indicated that you needed more  
10          information about what this lawsuit was about and you  
11          would need some more documents. So I'm going to provide  
12          those to you know, and maybe these will help you answer  
13          some of these questions.

14          (Exhibit 11 was marked for identification)

15          BY MR. GORDON:

16          Q.     I'm going to show you what I've marked as  
17          Exhibit 11 to your deposition, which is the second  
18          amended complaint in this case.

19          Now, you indicated you've read part of this  
20          document, correct?

21          A.     I don't know if I read part of the second  
22          amended complaint or the original complaint.

23          Q.     You just don't know?

24          A.     I don't.

25          Q.     When was the last time you looked at whatever



1 complaint you did look at?

2 A. Oh, it would not have been in the near past,  
3 so --

4 Q. Okay.

5 A. -- probably -- I -- I couldn't tell you.

6 Q. All right.

7 (Exhibit 12 was marked for identification)

8 BY MR. GORDON:

9 Q. I'm going to show you what I've marked as  
10 Exhibit 12 to your deposition, which are the answer,  
11 affirmative defenses, and counterclaims of the County,  
12 filed on June 30, 2020.

13 Have you ever seen these documents, this  
14 pleading?

15 A. I don't recall seeing them. And I may have,  
16 but I don't recall.

17 Q. Did you assist in the preparation of this  
18 amended answer, affirmative defenses, and counterclaims  
19 filed by the County?

20 A. I don't believe so.

21 Q. Did you approve the filing of this?

22 MR. WARNER: Object to form.

23 A. No, sir.

24 BY MR. GORDON:

25 Q. Who would, on behalf of the County, have

1 approved this to have been filed?

2 A. My assumption would be the legal department  
3 through our county attorney's office and those  
4 representing us in the case.

5 Q. Okay. Do you know who the human being is  
6 that approved that this be filed?

7 A. Do I -- I don't know that there is one  
8 individual that has said, yes, go file it. I would  
9 suspect it was a collaborative effort of our legal --  
10 our county attorney staff and our outside counsel that  
11 collectively said, we're done, let's go file it.

12 Q. Well, you understand, outside counsel can  
13 advise you, but they can't tell you to take a position  
14 in a case. You understand that, correct?

15 MR. WARNER: Object to form.

16 A. Yeah.

17 BY MR. GORDON:

18 Q. Okay. So would it be the county attorney's  
19 office that affirmatively approved of this to be filed  
20 on behalf of the County?

21 A. Well, if -- if you're going to answer the  
22 question, then I would go with that.

23 Q. So yes, it was the County --

24 A. But I -- I offered my answer.

25 Q. The county attorney's office?

1 MR. WARNER: Object to form.

2 A. I offered my answer earlier.

3 BY MR. GORDON:

4 Q. Okay. There are some factual statements in  
5 the affirmative defenses. Do you know who provided  
6 those facts to your attorneys to put in this document?

7 A. I'm not sure what facts you're referring to.

8 Q. Well, if you look at Page 15, Paragraph 10.

9 A. Of the amended answer?

10 Q. Yes, sir, Exhibit 12.

11 A. 12?

12 Page 15. Gratification?

13 Q. Yes, sir.

14 A. Okay.

15 Q. There's a -- a factual statement that says,  
16 Plaintiffs and plaintiffs' predecessors in title have  
17 ratified the County's use and possession of the  
18 property.

19 A. Now, read that again.

20 Q. Plaintiffs and plaintiffs' predecessors in  
21 title have ratified the County's use and possession of  
22 the property.

23 A. That's not what mine reads.

24 Q. Well, I'm only talking about that factual  
25 statement. There's a legal conclusion before that.

1 I'm -- but you're not a lawyer, as you've made clear.

2 So I'm not asking you about the legal aspect.

3 A. I'm --

4 Q. I'm asking you about the factual statement.

5 A. You -- under Number 10 on Page 15, that says  
6 ratification?

7 Q. Yes, sir. What does yours say?

8 A. My says, Plaintiff's claims against the  
9 County are barred because plaintiffs and plaintiffs'  
10 predecessors in title have ratified the County's use and  
11 possession of the property.

12 Q. Okay. Do you know whether the claims are  
13 barred or not?

14 A. I know that our --

15 MR. WARNER: Object to form.

16 A. -- county's legal position, based on this, is  
17 that they have been.

18 BY MR. GORDON:

19 Q. I understand.

20 A. And --

21 Q. I'm trying not to ask you about the legal  
22 issue because you've made clear you're not a lawyer and  
23 can't speak to that. I'm asking you about the factual  
24 part.

25 Do you know who determined that certain

1 actions ratified the County's use and possession of the  
2 property?

3 A. Do I know who determined that?

4 Q. Yes.

5 A. Based on what I'm reading here and who  
6 authored this document, I would say that either someone  
7 on our legal team, be it county attorney or outside  
8 counsel, did their due diligence to make that  
9 determination.

10 Q. Do you know what due diligence they did?

11 A. I'd have -- I don't.

12 (Exhibit 13 was marked for identification)

13 BY MR. GORDON:

14 Q. I'm going to show you what I've marked as  
15 Exhibit 13 to your deposition. These are the County's  
16 Responses to Plaintiff's First Request for Production.

17 Have you ever seen these before?

18 A. I don't recall seeing them, no, sir.

19 (Exhibit 14 was marked for identification)

20 BY MR. GORDON:

21 Q. I'm going to show you what I've marked as  
22 Exhibit 14, which is Walton County's Amended Response to  
23 Plaintiff's Second Request for Production.

24 Have you ever seen these before?

25 A. Again, I don't recall seeing them.

1 (Exhibit 15 was marked for identification)

2 BY MR. GORDON:

3 Q. I'm going to show you what I marked as  
4 Exhibit 15 to your deposition, which is Walton County's  
5 Response to Plaintiff's Third Request for Production.

6 Have you ever seen this document before?

7 A. I don't recall seeing it, no, sir.

8 (Exhibit 16 was marked for identification)

9 BY MR. GORDON:

10 Q. I'm going to show you what I've marked as  
11 Exhibit 16 to your deposition. This is Defendant's  
12 Answers to Plaintiff's First Set of Interrogatories.

13 Have you ever seen this document before?

14 A. It bears my signature, so I would speculate  
15 that I have seen it. I don't have any specific  
16 recollection of it.

17 Q. That is your signature on Page 3?

18 A. It appears to be, yes, sir.

19 Q. And it's under the word verification. What  
20 did verification mean?

21 A. To verify.

22 Q. Verify what?

23 A. It doesn't say what. It says verification.

24 Q. Well, when you signed it under the word  
25 verification, what did you understand that you were

1 signing?

2 A. The Defendant's Answers to Plaintiff's First  
3 Set of Interrogatories.

4 Q. And what were you verifying?

5 A. That this was the defendant's answers to the  
6 plaintiff's first set of interrogatories.

7 Q. Did you understand you were verifying the  
8 truth and accuracy of those responses?

9 A. I don't see that it says that, but I would  
10 have relied on legal counsel to advise me to that end.

11 Q. So when you signed it, you didn't know  
12 whether you were verifying the truth and accuracy of  
13 these responses or not?

14 MR. WARNER: Object to form.

15 A. Without having read it, I'm not sure that I  
16 did or did not have the ability to verify those things.  
17 I think, as the county administrator, it's a ministerial  
18 duty to sign documents such as this when presented by  
19 the County's legal department.

20 BY MR. GORDON:

21 Q. So is it safe to say that you don't know  
22 whether these responses are true and accurate or not?

23 A. I would suspect.

24 Q. Do you know whether they're true and accurate  
25 or not?

1           A.       I know that the county attorney's office  
2 presented them to me as true and accurate.

3           Q.       All right. But do you personally know that  
4 these are true and accurate responses?

5           A.       I -- I would not have personally known they  
6 were nor had any reason to doubt that they were.

7           Q.       What steps did you take to confirm that these  
8 were true and accurate responses at the time you signed  
9 the verification?

10          A.       I would suspect -- and I don't recall, again,  
11 but -- but in similar situations --

12          Q.       I'm not -- I'm not asking about other  
13 situation. This situation. What did you do --

14          A.       I asked --

15          Q.       -- when you signed this --

16          A.       I asked the county attorney --

17          Q.       To confirm -- let me finish my question -- to  
18 confirm that these responses were true and accurate?

19          A.       I would've asked the county attorney, are  
20 these responses true and accurate?

21          Q.       Who was the county attorney you asked?

22          A.       Whoever presented it to me. I don't recall.

23          Q.       Do you recall what they said?

24          A.       Since it bears my signature, I would --

25          Q.       Do you recall what they said, or are you



1     speculating?

2           A.     No, I'm not speculating.  Because I wouldn't  
3     have signed it if they said, no, these are not true and  
4     accurate.

5           Q.     Is it fair to say you didn't do anything to  
6     go back and actually independently confirm the truth or  
7     accuracy of these responses?

8           A.     I would've had no reason to.

9           Q.     All right.  Do you know what human being on  
10    behalf of the County confirmed the truth and accuracy of  
11    these responses?

12          A.     I -- I would say one or two people.

13    Either --

14          Q.     Do you know?

15          A.     I know one -- one of the two people.

16    Would've been either our county attorney, Sidney Noyes,  
17    or our assistant county attorney, Heather Christman.

18          Q.     All right.  So those would be the two people  
19    that confirmed the truth and accuracy of these answers?

20          A.     That would be my -- because I don't have  
21    specific recollection, that would be my presumption that  
22    there's -- that's where they would've come from.

23          Q.     But it wasn't you?

24          A.     Wasn't me what?

25          Q.     That went and confirmed the truth and

1 accuracy of these representations independently?

2 A. That's correct.

3 Q. In response to Interrogatory Number 3, the  
4 County was asked to identify the county government's  
5 reasons that it or the Walton County Tourist Development  
6 Council was entitled to build beach accesses and parking  
7 lots on the Coastal Resources Number 5 property.

8 The answer is then a series of Bates numbers.

9 Do you see that?

10 A. I do.

11 Q. The boxes over there to your left include all  
12 of the documents that have been produced by Walton  
13 County in this case. Can you go through and pull out  
14 any one of those documents and explain to me how it  
15 evidences or identifies county government's reasons for  
16 building the beach accesses on Coastal Resources  
17 Number 5 property?

18 A. No.

19 Q. Why not?

20 A. I -- I don't know what a Bates label document  
21 is.

22 Q. Okay. It -- it's a number at the bottom of  
23 the document that just --

24 A. Uh-huh.

25 Q. -- it's like a page number.

1 A. Okay.

2 Q. Helps you identify the documents.

3 Can you -- have you ever looked at any of  
4 these documents?

5 A. No, sir, not that...

6 Q. So you have no idea what these documents that  
7 are Bates labeled here respond to, correct?

8 A. Other than the presentation from our legal  
9 office, that would be correct.

10 Q. Do you know who gathered -- what human being  
11 gathered those documents?

12 A. We have within our legal department two or  
13 three individuals that pull together such requests. I  
14 don't know --

15 Q. This would've been somebody in the legal  
16 department that did this?

17 A. Excuse me. I don't know which of those three  
18 would have pulled them together, but that would have  
19 been my assumption.

20 Q. So someone in the legal department would've  
21 had to have identified these documents?

22 MR. WARNER: Object to form.

23 A. Well, you asked -- what -- what was your  
24 previous question?

25

1 BY MR. GORDON:

2 Q. I'm asking, you signed this --

3 A. I'm asking --

4 Q. -- you verified this --

5 A. I'm --

6 Q. I get to -- the beautiful thing about this  
7 process is I get to ask the questions. I don't have to  
8 answer them.

9 A. Fair enough.

10 Q. With respect to page number --

11 A. I don't have to answer them three times  
12 either.

13 Q. With respect to Number 3, do you know who the  
14 individuals are that identified the documents that you  
15 verified responded to Interrogatory Number 3?

16 A. I've answered that question.

17 Q. You don't know their names?

18 A. It would've been -- and you'll have to give  
19 me a moment.

20 I'll bring -- I'll bring their names up in a  
21 minute.

22 Q. As you sit here right now, you don't recall  
23 their names?

24 A. Sir, there's a lot of things I don't recall  
25 after --

1 Q. And that's fine. I'm just asking --

2 A. -- 600 hours of chemotherapy, there's a lot  
3 of things that ease off your mind.

4 Q. I understand.

5 A. But I'll be glad to share them with you as  
6 soon as I recall them.

7 Q. So you just don't recall right now, do you?

8 A. Did I just answer that?

9 Q. I just want to make sure it's not something  
10 you're saying you'll tell me later, but you just don't  
11 know right now --

12 A. I -- I'll recall right now. I cannot produce  
13 their names.

14 Q. Okay.

15 A. Genara Roop would be one.

16 THE REPORTER: I'm sorry, will you repeat  
17 that name?

18 THE WITNESS: Genara Roop, R-O-O-P.

19 BY MR. GORDON:

20 Q. She in the legal department?

21 A. Yes, sir.

22 (Exhibit 17 was marked for identification)

23 BY MR. GORDON:

24 Q. I want to show you Defendant Walton County's  
25 Answers -- this is Exhibit 17, the County's Answers to

1 Plaintiff's Second Set of Interrogatories.

2 A. Cory Godwin would be another.

3 Q. Was that Cory?

4 A. Cory.

5 Q. In the legal department?

6 A. Yes, sir.

7 And Rosalyn Campbell would be the third one.

8 Q. In the legal department?

9 A. Yes, sir.

10 Q. Are those lawyers?

11 A. No, sir.

12 Q. I'm going to show you what I marked as  
13 Exhibit 17, which is the County's response to the second  
14 set of interrogatories.

15 (Exhibit 18 was marked for identification)

16 BY MR. GORDON:

17 Q. This is Exhibit 18, County's Amended Answers  
18 to the Third Set of Interrogatories.

19 On Exhibit 18, the Amended Answers to  
20 Plaintiff's Second Set of Interrogatories, have you seen  
21 this document before?

22 A. I signed it, so I would make an assumption  
23 that I have seen it.

24 Q. All right. And that's -- on Page 10, that's  
25 your signature, correct?

1           A.     It appears to be, yes, sir.

2           Q.     And appears to be your signature under the  
3 statement, and I quote, Verification, under penalties of  
4 perjury, I, Larry D. Jones, as authorized representative  
5 for Walton County, Florida, declare that the facts  
6 stated in all the foregoing interrogatory responses are  
7 true.

8                     You -- that's -- and then that's your  
9 signature, correct?

10          A.     That's correct. Appears to be.

11          Q.     Okay. So you declared that these true facts  
12 under penalties of perjury, correct?

13          A.     Yes, sir.

14          Q.     And did you take any steps to verify the  
15 truth and accuracy of these facts before you declared  
16 under penalty of perjury they were true?

17          A.     No, sir.

18          Q.     Interrogatory Number 1 on Page 3, quotes from  
19 the County's affirmative defense --

20          A.     Okay. Excuse me. Where are you?

21          Q.     The same exhibit --

22          A.     Okay.

23          Q.     -- Exhibit 18?

24          A.     18? Page 3?

25          Q.     Yeah, Page 3.

1           So Affirmative Defense Number 3 states, and  
2 it quotes from the affirmative defense of the County,  
3 that plaintiffs through various schemes and devices have  
4 proceeded to deliberately acquire an alleged interest in  
5 the property at issue --

6           A.     Where --

7           Q.     -- to enable it to file these --

8           A.     Excuse me. Where are you?

9           Q.     Number 1.

10          A.     Okay.

11          Q.     Interrogatory Number 1.

12          A.     Page 3, Number 1, okay.

13          MR. WARNER: Which one is it? I'm not sure  
14 I'm looking at the same document.

15          MR. GORDON: This is in the amended answers  
16 to second set of interrogatories.

17          MR. WARNER: Okay. I thought we marked it as  
18 17? Maybe I got that wrong.

19          MR. GORDON: I think 17 may have been the --

20          THE WITNESS: 17 is the second set of  
21 interrogatories.

22          MR. WARNER: Yeah.

23          MR. GORDON: Which one was the amended second  
24 set?

25          MR. WARNER: That's 17.



1 MR. GORDON: That's 17? Okay.

2 MR. WARNER: All right. That's what we're  
3 looking at?

4 MR. GORDON: Do we have an 18?

5 MR. WARNER: Yeah. 18 was the amended  
6 answers to the third set.

7 MR. GORDON: Okay. All right. Well, I'm  
8 looking at the second set, amended answers to the  
9 second set.

10 MR. WARNER: So we're on 17 then?

11 MR. GORDON: 17.

12 MR. WARNER: Okay. Thank you.

13 MR. GORDON: Page 3, Number 1.

14 THE WITNESS: Well, 17 didn't say amended.  
15 Just says answers.

16 MR. WARNER: Right. 17 does say, Defendant  
17 Walton County's --

18 MR. GORDON: Do you guys have the same one?

19 MR. WARNER: -- answers to the second set.  
20 Let me see.

21 MR. GORDON: You may be different ones.

22 MR. WARNER: I'll let you look.

23 THE WITNESS: This is my 18.

24 MR. GORDON: And that says amended.

25 MR. WARNER: But this is for the third set.

1 THE WITNESS: Yeah. 18 is for the third set.

2 MR. GORDON: Okay. So you don't have the  
3 amended answers --

4 MR. WARNER: To the second set.

5 MR. GORDON: -- to the second set. All  
6 right. Let me see if I...

7 BY MR. GORDON:

8 Q. Well, we'll come back to -- I'll ask you  
9 about the third set then. So this is exhibit?

10 A. 18.

11 MR. WARNER: 18.

12 BY MR. GORDON:

13 Q. 18.

14 On Page 4 -- again, just so we're clear,  
15 Exhibit 18 has the same verification as to the truth of  
16 the facts under penalties of perjury, correct?

17 A. Yes, sir.

18 Q. On Page 4, Number 4, there's a quote from the  
19 County's counterclaim that says, You contend, and I  
20 quote, The County has possessed, used, and improved all  
21 or portions of private real property at issue in this  
22 case since the Gulf Shore Manor plat to provide  
23 vehicular and beach access and related amenities to the  
24 public.

25 Is that true?

1 A. My assessor is this is true based on the --

2 Q. Do you know whether it's true or not?

3 A. I know whether those that we charged to make  
4 those determinations in the County brought it to me as  
5 the truth.

6 Q. I'm not asking what other people know. I  
7 guess I'm going to have to take the county attorney's  
8 deposition, but right now, as the person that verified  
9 this under penalty of perjury, I'm asking, do you know  
10 whether that is a true statement.

11 A. I know that it was presented to me by those  
12 that I -- under my charge or the County's charge to --  
13 to make such determinations determined it was true.

14 Q. Did you ask them to show you any evidence to  
15 demonstrate that it was true?

16 A. No.

17 Q. So you have no personal knowledge as to the  
18 truth or not, correct? You're relying on the county  
19 attorney, correct?

20 A. That's correct.

21 Q. Has anyone ever told you that there are some  
22 properties at issue in this case that have never been  
23 touched, no use whatsoever?

24 A. Not that I recall.

25 Q. Would you be surprised at the evidence in

1 this case based on what the county attorney represented  
2 to you when you signed this under penalty of perjury, if  
3 there's -- would you be surprised if there's evidence in  
4 this case that show some of these parcels have never  
5 been used in any way by Walton County?

6 MR. WARNER: Object to form.

7 A. I'm not sure the question, would I be  
8 surprised if none of the properties had ever been  
9 touched?

10 BY MR. GORDON:

11 Q. If some of the properties had ever been  
12 touched or used by the County.

13 A. I don't know that I would be surprised or not  
14 surprised because I don't...

15 Q. Well --

16 A. Yeah.

17 Q. -- you -- you verified under penalty of  
18 perjury that the County has possessed, used, and  
19 improved all or portions of the private real property.

20 A. Uh-huh.

21 Q. Is that a true statement? Somebody told you  
22 that was true, correct?

23 A. Yes, sir.

24 Q. Would you be surprised if it turns out that  
25 was not true?

1 A. Well --

2 MR. WARNER: Object to form.

3 A. -- all or portions would indicate that either  
4 all or some of it has, so if some of it has been used,  
5 that -- you know, a logical person could deduce that  
6 some has not been used.

7 Q. Okay. Which parcels at issue in this case  
8 have not been used by the County?

9 A. No idea.

10 Q. Is there anybody in the County that would  
11 know the answer to that question?

12 A. Can't tell you what others in the County  
13 know.

14 Q. All right. Well, let's look at Exhibit 1 to  
15 your deposition. It's Exhibit B-1 to the complaint.

16 A. Okay.

17 Q. What is the specific date the county came  
18 into possession of this parcel?

19 A. Well, there are a number of parcels depicted  
20 on B-1, so I don't know what parcel you're referring to.

21 Q. The one that's bolded south of Montigo.

22 A. The one that's bolded?

23 You're going to have to point it out to me.

24 Q. This parcel.

25 (Sotto Voce Discussion)

1 A. That's not -- we have different depictions.

2 BY MR. GORDON:

3 Q. That's the parcel.

4 A. This whole parcel?

5 Q. Yes, sir.

6 A. Okay. And your question is what?

7 Q. What is the specific date the County came  
8 into possession of that parcel?

9 A. Oh, I don't know. I mean, if it's on here, I  
10 can't read it.

11 Q. If I want to know, how do I find out, if I  
12 can't ask you?

13 A. You're an attorney. I would --

14 Q. Well --

15 A. -- suspect that you would know the legal  
16 places to look to find out.

17 Q. Absolutely. And under the Florida Rules of  
18 Civil Procedure --

19 A. Yes, sir.

20 Q. -- I'm empowered to send Walton County a  
21 third set of interrogatories --

22 A. Okay.

23 Q. -- in which I asked the County to answer that  
24 specific question.

25 A. Yes, sir.

1 Q. The County has 30 days, then, to research  
2 that. In this situation, I gave the County even more  
3 time, two or three months to answer the question. And  
4 the County is supposed to answer that question and have  
5 someone declare under penalty of perjury whether it's  
6 true or not.

7 Here, the County had you declare under  
8 penalty of perjury it was true. And in Interrogatory  
9 Number 4, using the powers provided to me as an  
10 attorney, I asked the County for the specific date that  
11 the County came into possession of that parcel.

12 The County -- and then you answered the  
13 question by saying, See the files provided in the leak  
14 circulated simultaneously with -- here with. And then  
15 you provide a list of documents, which are all over  
16 there.

17 So can you show me, which of those documents  
18 sets forth the specific date the County came into that  
19 possession of parcel that's Exhibit 1 to your  
20 deposition?

21 MR. WARNER: Object to form.

22 A. Sitting here today, I cannot.

23 BY MR. GORDON:

24 Q. How would you find out?

25 A. I would begin with those in our legal

1 department to direct me down that path.

2 Q. So would you, just -- as someone not in the  
3 legal department know how to locate that in these  
4 documents that have been listed here?

5 A. I suspect, over a period of time, I could  
6 figure my way through it. It would be much easier to  
7 utilize the resources that we have to make that  
8 determination.

9 Q. It would certainly be easier to determine  
10 that for the County because you have a county attorney's  
11 office that can do that, correct?

12 A. Correct.

13 Q. And I -- I don't have access to the County's  
14 attorney's office, do I?

15 A. I -- I think, through legal means, you have  
16 access.

17 Q. I mean, I can't tell the County's attorney's  
18 office to go through these documents for me, can I?

19 A. Well, I almost think you can, but...

20 Q. Well, if you could, just go through these  
21 documents and just find the document that will state for  
22 me the specific date the County came into possession of  
23 the parcel in Exhibit 1.

24 A. If I could?

25 Q. All the documents are right there. Go ahead



1 and do it.

2 MR. WARNER: Object to form. He can answer a  
3 question.

4 THE WITNESS: Yeah.

5 MR. WARNER: He doesn't have to perform.

6 BY MR. GORDON:

7 Q. Okay. So can you do it?

8 A. First of all, I don't know what's in those  
9 boxes.

10 Q. They're all the documents produced by the  
11 County.

12 A. What -- so you say.

13 Q. Please. We'll take a break.

14 A. And I'm not --

15 (Simultaneous Speakers)

16 BY MR. GORDON:

17 Q. You can look through the documents and  
18 determine those at once.

19 A. I'm not looking through any documents.

20 Q. You're not going to review the documents?

21 A. No, sir.

22 Q. And you can --

23 A. I'll ask counsel.

24 THE WITNESS: Do I have to review the  
25 documents?

1 MR. WARNER: I think you have to review  
2 documents that are presented to you and answer  
3 questions related to them --

4 THE WITNESS: Okay.

5 MR. WARNER: -- if you can.

6 MR. GORDON: All right. I'm going to mark  
7 all of those boxes as Composite Exhibit 19 to this  
8 deposition.

9 (Exhibit 19 was marked for identification)

10 BY MR. GORDON:

11 Q. And I'm going to ask that you review those,  
12 Exhibit 19, and identify for me the document that will  
13 disclose the specific date the County came into the  
14 possession of the parcel identified as Exhibit 1.

15 MR. WARNER: I'm going to object to the form  
16 of the question.

17 And if you can -- if you can, fine.

18 A. You going to sit here?

19 BY MR. GORDON:

20 Q. Yes, sir.

21 A. All right. Be here for days. Because I'm  
22 going to be in no hurry. And quite frankly, I've got  
23 other things that are precedent.

24 Q. Okay. Tell you what, just pull out Bates  
25 number 005943.

1           A.       Don't know where it is.

2           Q.       I mean, they're -- the documents are there.

3 Can you find it?

4           MR. WARNER: Ben, you can produce the  
5 document for him.

6           THE WITNESS: Yeah, I'm not --

7           MR. WARNER: He's not going to -- he's not  
8 going to perform like a monkey here.

9           MR. GORDON: I'm just asking, does he know?

10 BY MR. GORDON:

11          Q.       Do you know --

12          MR. WARNER: Just show him the document.

13 BY MR. GORDON:

14          Q.       Do you know whether that document --

15          A.       I don't know that it's in your box.

16          Q.       For any of the parcels at issue in this case,  
17 can you state the specific date the County came into  
18 possession of the parcel?

19          MR. WARNER: Object to form.

20          A.       No.

21 BY MR. GORDON:

22          Q.       For any of the parcels at issue in this case,  
23 can you describe the manner in which the County came  
24 into possession of the parcel?

25          MR. WARNER: Object to form.

1 A. Not individually specifically.

2 BY MR. GORDON:

3 Q. On Page 10 of the third amended response to  
4 the third set of interrogatories --

5 A. What's the number?

6 MR. WARNER: 18.

7 BY MR. GORDON:

8 Q. It's Page 10, Number 7.

9 A. Exhibit?

10 Q. Exhibit 18.

11 A. Thank you.

12 Q. The third -- the amended answers to the third  
13 set of interrogatories.

14 A. Okay. Page 10?

15 Q. Yes, sir.

16 A. Okay.

17 Q. There's an interrogatory, paragraph -- and it  
18 says, In Paragraph 27 of your counterclaim, you contend  
19 that --

20 A. Right where? Number 7?

21 Q. Number 7.

22 A. Okay. Thank you.

23 Q. There's a quotation, The County possessed and  
24 used all apportions of the private real property adverse  
25 to defendant's and their predecessors.

1           In response, your verified response under  
2 penalty of perjury, you stated, See the files provided  
3 in the link circulated simultaneously herewith,  
4 including, specifically, the documents referenced in  
5 response to Interrogatory 4 (a) 1.

6           If you want, you can go back and look at 4A1,  
7 which is on Page 4. And there's list of documents.

8           A.     Okay.    Okay.

9           Q.     And do you have any idea how those doc- --  
10 you didn't review any of those documents, correct?

11          A.     No, sir.

12          Q.     So you have no idea whether those documents  
13 answer that question or not, correct?

14          A.     I have confidence in --

15          Q.     You personally do not know, correct?

16          A.     I have confidence in our legal staff to  
17 provide accurate information, and that is the basis of  
18 my acknowledgment and agreement.

19          Q.     So you -- but you personally didn't review of  
20 the documents --

21          A.     I did not review --

22          Q.     -- to confirm the answer to that question?

23          A.     -- any of the documents.   No, sir.

24          Q.     No, sir, you did not?

25          A.     I did not.

1 Q. And that's the same answer for every one of  
2 these interrogatory responses, correct?

3 A. I would speculate so.

4 Q. Is there any interrogatory response that you  
5 verified under penalty of perjury to be true and  
6 accurate where you personally looked at a document or  
7 talked to a person with personal knowledge to verify the  
8 truth and accuracy of that response?

9 A. Not that I recall.

10 Q. In Exhibit 18, if you go to Page 11? It's --  
11 it's Number 8, Interrogatory Number 8, about  
12 Paragraph 32 of the counterclaim. It notes that the  
13 County has contended, and I quote, that there are  
14 critical deficiencies in the probate action.

15 Do you see that?

16 A. I do.

17 Q. We then ask you to describe those critical  
18 deficiencies. And do you see the response that you  
19 certified under penalty of perjury?

20 A. Yes, sir.

21 Q. You refer to the probate documents, and you  
22 cite little over -- or close to a hundred documents.

23 Is it Walton County's position that every one  
24 of those documents contains a false or a critical  
25 deficiency?

1 MR. WARNER: Object to form.

2 A. I think it says that, within those pages, the  
3 critical deficiencies are described.

4 BY MR. GORDON:

5 Q. So not every page has a critical deficiency,  
6 correct?

7 A. It may.

8 MR. WARNER: Object to form.

9 A. I don't know.

10 BY MR. GORDON:

11 Q. Okay. I -- I don't know. You're the one  
12 that verified it under penalty of perjury, and that's  
13 why I'm asking.

14 A. Okay.

15 Q. You don't know whether each page has a  
16 critical deficiency or not, correct?

17 A. Well, it doesn't ask if each page --

18 Q. Do you know what the critical deficiencies  
19 are alleged to be in the probate?

20 A. I do not.

21 Q. There is a statement that states, Initial  
22 deficiencies appear to include without limitation  
23 attempted distribution in violation of Florida's  
24 intestacy statutes facilitated by the personal  
25 representative seemingly false representations to the

1 probate court.

2 You see that?

3 A. I do.

4 Q. What were the false representations that the  
5 County believes constitute critical deficiencies in the  
6 probate action?

7 MR. WARNER: Object to form.

8 A. I'm not sure.

9 BY MR. GORDON:

10 Q. Do you know of any false representations in  
11 the probate action?

12 A. I'm not familiar with the probate action, so  
13 what was representative --

14 Q. Are you aware of any critical deficiencies in  
15 the probate action?

16 A. I'm not aware of the probate action, critical  
17 deficiencies or otherwise.

18 Q. It states that there's this false  
19 representations that you don't know what those are. But  
20 then it says, that's without limitation.

21 So in -- I've got to ask, what are the other  
22 critical deficiencies that Walton County chose not to  
23 disclose in response to Interrogatory Number 8 -- 8A?

24 MR. WARNER: Object to form.

25 A. Ask that -- ask that again?



1 BY MR. GORDON:

2 Q. What are the other critical deficiencies that  
3 Walton County believes exist in the probate action that  
4 are not disclosed in response to Interrogatory 8A?

5 A. I don't know.

6 Q. Who would know?

7 A. Perhaps, our legal team, someone -- either  
8 our county attorney or our outside attorney, counsel  
9 that's working on the -- on the case.

10 Q. When you verified that these were true and  
11 accurate, did you ask them what the other critical  
12 deficiencies were?

13 A. I don't recall.

14 Q. Did you actually read this before you signed  
15 it?

16 A. I may have. I don't have specific  
17 recollection of reading it.

18 Q. Is it possible you signed it without reading  
19 it?

20 MR. WARNER: Object to form.

21 A. It would probably be unlikely, but I -- it --  
22 I suppose it is possible.

23 BY MR. GORDON:

24 Q. Did you ask any questions of whoever  
25 presented this to you as --

1 A. I don't recall.

2 Q. -- as to any of the issues in here?

3 A. I don't recall.

4 Q. I just want to be clear. You have no  
5 knowledge whatsoever as to why the County claims any  
6 right to use the properties that are the subject of this  
7 action, correct?

8 A. Ask that again so I'm clear.

9 MR. GORDON: Can you reread the question,  
10 please?

11 THE REPORTER: Sure.

12 (Requested portion read back)

13 A. What I know about the case and the reasoning  
14 behind our actions and defensive have been in  
15 conversation with our legal counsel, and I don't think I  
16 have to disclose what I know through those discussions  
17 or don't know.

18 BY MR. GORDON:

19 Q. Okay. When did legal counsel first -- I  
20 think it's fair to say, legal counsel has -- has  
21 apparently advised you, based on the pleadings that have  
22 been filed and the interrogatories they told you to  
23 sign, that the County has some right to use these  
24 properties, correct?

25 MR. WARNER: Object to form.

1           A.       I believe that's correct.

2   BY MR. GORDON:

3           Q.       Okay.  When did Walton County's attorneys  
4 first make that determination?

5           A.       I don't know.  I don't know.

6           Q.       Was it prior to this lawsuit being filed?

7           A.       I don't -- it would seem to me that --

8           Q.       Do you know?  Or are you speculating?

9           A.       Do you want my answer or --

10          Q.       I want to know your personal -- I'm asking  
11 your personal knowledge.  Do you know when Walton  
12 County's legal counsel first determined --

13          A.       No.

14          Q.       -- that Walton County had a legal right to  
15 use these properties?  Do you know?

16          A.       I do not know when Walton County's legal  
17 counsel, current or previous or previous or previous,  
18 made a determination that the County had a right to use  
19 this property.  I do not know that.

20          Q.       Do you know of any instance in which Walton  
21 County attorneys even researched the issue before my  
22 clients presented the issue to Walton County?

23          A.       What do you mean by "researched the issue"?

24          Q.       Or -- let me say this:  In which Walton -- do  
25 you know of any instance --

1           A.       This is what I know -- oh, go ahead. I'm  
2       sorry.

3           Q.       Do you know of any instance in which Walton  
4       County's attorneys determined that Walton County had the  
5       right to use this property at issue in this case before  
6       my clients raised the issue with the County?

7           A.       This is what I know: And -- and -- that the  
8       use of those properties was, in fact -- somewhere in the  
9       past, have been determined by the County as a rightful  
10      use by the County -- don't know who made that  
11      decision -- prior to your lawsuit.

12          Q.       When was it determined that that use was a  
13      rightful use?

14          A.       Don't know.

15          Q.       Who within the County would know the answer  
16      to that question?

17          A.       Don't know. Don't know when it was made.  
18      Might've been, you know, 80 years ago. I don't know who  
19      would know that.

20          Q.       Could it have been a month ago?

21                   MR. WARNER: Object to form.

22          A.       No.

23      BY MR. GORDON:

24          Q.       I mean, how am I supposed to find the answer  
25      to that if you don't, as the county administrator, don't

1 know?

2 A. I don't -- I can't advise you how to find the  
3 answer to it.

4 Q. Then you can't tell me who in the County I  
5 should go ask, right?

6 A. You can ask everyone you want to. I don't  
7 know what they know about it.

8 Q. You don't know anyone in the County that has  
9 that knowledge?

10 A. That's correct.

11 Q. All right. And do you know what basis anyone  
12 in the County used to determine that the County had a  
13 right to use these properties?

14 A. I do not.

15 MR. GORDON: All right. I think we're on  
16 Exhibit 20.

17 THE REPORTER: Right.

18 (Sotto Voce Discussion)

19 (Exhibit 20 was marked for identification)

20 BY MR. GORDON:

21 Q. Let me show you what I've marked as  
22 Exhibit 20. These appear to be regular board meeting  
23 minutes from the Board of County Commissioners for  
24 Walton County dated January 29, 1985.

25 Have you ever seen these documents before?

1 A. Not that I recall.

2 Q. Excuse me?

3 A. Not that I recall.

4 Q. If you go to Page 12 of Exhibit 20, there's a  
5 statement that Mr. Doyle Green -- do you see the  
6 paragraph that begins, Mr. Doyle Green?

7 A. Yes, sir.

8 Q. After that first sentence, there is a  
9 statement in these minutes that says, and I quote, The  
10 Gulf Shore Manor plat was never accepted by the board,  
11 but the board agreed to maintain 600 feet of San Juan  
12 Street.

13 Do you disagree with that statement?

14 MR. WARNER: Object to form.

15 A. I don't disagree that that's what is written  
16 in this document.

17 BY MR. GORDON:

18 Q. Do you have any knowledge to suggest that  
19 that statement was inaccurate when it was recorded in  
20 the County's meeting minutes as of January 29, 1985?

21 A. I do not.

22 Q. Based on any knowledge, do -- are you aware  
23 of whether the Gulf Shore Manor plat had been accepted  
24 by the County prior to January 29, 1985?

25 MR. WARNER: Object to form.

1           A.       I'm sorry, do --

2   BY MR. GORDON:

3           Q.       Would you agree with me that, based on these  
4 meeting minutes, that as of January 29, 1985, it was  
5 Walton County's position that the Gulf Shore Manor plat  
6 was never accepted by the board?

7           MR. WARNER: Object to form.

8           A.       I agree that these were minutes reflect --  
9 and it doesn't say who said it or who affirmed it, but  
10 the Gulf Shore Manor plat was never accepted by the  
11 board, but the board agreed to maintain 600 feet of the  
12 San Juan Street. I agree that is reflected in these  
13 minutes. I -- it does not say whether Mr. Doyle Green  
14 said that or the -- doesn't reflect anyone who made that  
15 statement. It was just so --

16 BY MR. GORDON:

17          Q.       Well, do you see that, as opposed to the  
18 other sentences where Mr. Green said something, it  
19 specifically states that Mr. Doyle Green appeared and  
20 advised or Mr. Doyle -- or Mr. Green advised, correct?

21          A.       I see that, yes, sir.

22          Q.       So when it app- -- attributes a statement to  
23 Mr. Green, it specifically says so?

24          A.       In those instances, yes.

25          Q.       It then appears that there was a motion to

1 adopt a resolution accepting ownership of the following  
2 streets in Gulf Shore Manor.

3 Are you aware of that?

4 A. I'm -- I'm reading it. Is that -- when you  
5 ask am I aware of it, do you mean prior --

6 Q. Do you see that?

7 A. I'm sorry?

8 Q. Do you see that statement?

9 A. I see that, yes.

10 Q. Is it safe to say, based on your experience  
11 as a county commissioner as well as the county  
12 administrator, that if the Gulf Shore Manor plat had  
13 been accepted prior to this date, there would have been  
14 no need to have a motion to adopt specific streets  
15 within it?

16 MR. WARNER: Object to form.

17 A. This action...

18 All right. Could you repeat your question  
19 now that I've had a chance to read it.

20 BY MR. GORDON:

21 Q. If the Gulf Shore Manor plat had been  
22 accepted by the board prior to this date --

23 A. Okay.

24 Q. -- would there be any reason to have adopted  
25 a resolution accepting ownership of specific streets



1 within the plat?

2 MR. WARNER: Object to form.

3 A. The apparent answer would be no. However, I  
4 will qualify that in there is very, very, very little  
5 information here regarding what had been done and what  
6 was actually being done.

7 BY MR. GORDON:

8 Q. What do you mean there was little  
9 information?

10 A. Well, it -- it says, The Gulf Shore Manor  
11 plat was never accepted by the board. It doesn't  
12 attribute that to anyone. It doesn't offer any  
13 supporting evidence that it never had. It's -- it's a  
14 statement in the minutes. But can -- unless you can  
15 tell me who said it and what they relied on in saying  
16 it, it...

17 So based on that, whether the motion was, you  
18 know, there's no comments there from legal counsel that  
19 says, this is the facts, those are the facts, and this  
20 is what you need to do.

21 Q. I understand.

22 I could -- the only basis I have are what the  
23 County's documents are --

24 A. Uh-huh.

25 Q. -- and what you tell me under oath today.

1 A. I understand.

2 Q. You understand that -- that's the -- the only  
3 way I know to get this information, correct?

4 A. Yes, sir.

5 Q. You understand that's why I'm asking you?

6 A. Yes, sir.

7 Q. So please understand, I'm not trying to  
8 withhold information from you.

9 A. Oh, I -- no, no, no, no. If I -- I didn't  
10 mean to come off that way. All I'm saying is, based on  
11 what you've presented to me here, it -- the -- the  
12 apparent answer would be, no, there was no reason to do  
13 it. However, I would qualify that with, that's only  
14 based on what I can see that's highlighted in this  
15 document.

16 Q. I understand.

17 A. There could be other reasons or instances  
18 where it might not have been appropriate.

19 Q. And just to be clear, to the extent you  
20 obtained information when you verified the responses to  
21 the interrogatories --

22 A. Yes, sir.

23 Q. -- you know, I'm not limiting my questions  
24 just to this document. I mean, this is the document  
25 that I have that suggests.

1           A.     Okay.  Yes, sir.

2           Q.     But since you verified the interrogatory  
3 responses, you may have more information that you relied  
4 on when you verified.  So if you're aware of other  
5 information, I'm asking you to disclose that to me now.

6           A.     Okay.  I -- and I'm not.

7           Q.     Even if it came from your attorney, if it's a  
8 factual issue -- I don't want to know about legal advice  
9 your attorneys gave you, but if your attorneys told you  
10 about a fact or a document, then I'm asking you to  
11 disclose that to me now.  Okay?

12          A.     Okay.

13          Q.     Not their legal advice.

14          A.     Okay.

15          Q.     And so if you don't tell me that, I'm going  
16 to assume you have no facts, even from your attorneys,  
17 correct?

18          A.     I --

19          Q.     You understand that's what I'm assuming?

20          A.     I understand.

21          Q.     Okay.

22          A.     Yeah.  And I -- I don't recall having any  
23 from them.

24          Q.     I'm going to show you what I'm going to mark  
25 as Exhibit 21 to your deposition.

1 (Exhibit 21 was marked for identification)

2 BY MR. GORDON:

3 Q. This appears to be a memorandum from Walton  
4 County Public Works to the Board of County Commissioners  
5 dated May 27, 2003.

6 Have you ever seen this document before?

7 A. Quite possibly because I was on the board in  
8 2003, but I don't recall seeing it.

9 Q. So you were on the board at the time that  
10 this was prepared?

11 A. I was on the board on May 27, 2003, yes, sir.

12 Q. The subject is Pelayo and Montigo Streets,  
13 and I'll represent to you those are properties at issue  
14 in this case.

15 A. Uh-huh.

16 Q. Do you have any reason to disagree with that?

17 A. No, sir.

18 Q. In the second paragraph in the background  
19 section, the Walton County Public Works advises the  
20 Board of County Commissioners on May 27, 2003, and I  
21 quote, The two roads are on a very old plat that  
22 contains no dedication.

23 A. Can I -- you said -- you made some comments  
24 before starting to read that. What -- could I ask you  
25 what that...

1 Q. It was just, on May 27, 2003 --

2 A. Okay.

3 Q. -- Public Works advised the Board of County  
4 Commissioners --

5 A. Okay.

6 Q. -- on which you were a member --

7 A. Correct.

8 Q. -- and I quote --

9 A. Okay.

10 Q. -- The two roads are on a very old plat that  
11 contains no dedication, closed quote.

12 A. Okay.

13 Q. And this is referring to a plat of the Gulf  
14 Shore Manor area.

15 Do you see that, based on the first  
16 paragraph? Of Pelayo and Montigo?

17 A. Well -- okay. I mean, it says those streets.

18 Q. Okay.

19 A. Can --

20 Q. Are -- are you aware of any other plat that  
21 Public Works would have been referring to in -- of Gulf  
22 Shore Manor that involved Pelayo and Montigo Streets  
23 other than the depictions that I showed you earlier in  
24 your deposition?

25 A. No, sir.

1 Q. Do you have any reason to dispute that that  
2 very old plat contains no dedication?

3 MR. WARNER: Object to form.

4 A. The question is, do I have no reason to  
5 dispute that there is no dedication on those?

6 BY MR. GORDON:

7 Q. Yes.

8 Do you agree that there's no dedication on  
9 the two plats that I showed you earlier?

10 A. Well, the two plats you showed me earlier, I  
11 can't read.

12 Q. Okay.

13 A. So...

14 Q. On May 20- -- in -- in 2003, when this  
15 memorandum was presented to the Board of County  
16 Commissioners, were -- did you agree that the very old  
17 plat contained no dedication?

18 A. I don't recall.

19 Q. Did you instruct anyone to research that  
20 issue?

21 A. I don't recall.

22 Q. Do you know whether anyone ever researched  
23 that issue?

24 A. Well, somebody prepared this document. Now,  
25 whether there was direction to further do research into

1 the dedication or not, I'm not -- I don't have any  
2 recollection of that.

3 Q. So as you'll recall in the -- and the reason  
4 I'm ask -- I know the answer to this, but I've got to --  
5 because you verified the interrogatory responses, and  
6 the interrog- --

7 MR. GORDON: Do you need to get that?

8 THE WITNESS: If I can for --

9 MR. GORDON: Take a break?

10 MR. WARNER: Let's do it.

11 THE WITNESS: -- two minutes.

12 MR. WARNER: It's probably time for a break  
13 anyway.

14 VIDEOGRAPHER: The time is currently  
15 11:27 a.m. And we're off the video record.

16 (Recess)

17 VIDEOGRAPHER: The time is currently 11:47  
18 a.m. And we're back on the video record.

19 BY MR. GORDON:

20 Q. Sir, are you familiar with the process by  
21 which a private property owner can dedicate land to the  
22 County by recording a plat?

23 A. Yes, sir.

24 Q. All right. What are the requirements, to  
25 your knowledge, for such a dedication to be valid?

1 MR. WARNER: Object to form.

2 A. There has to be an offer and an acceptance.

3 BY MR. GORDON:

4 Q. Okay.

5 A. I would defer to our counsel as to what is a  
6 sufficient offer and a sufficient acceptance.

7 Q. Do you know whether the plat has to be signed  
8 by the private property owner?

9 MR. WARNER: Object to form.

10 A. There are a number of signatures on a plat.  
11 I don't know if the private property owner is one of  
12 them or not.

13 BY MR. GORDON:

14 Q. You just don't know if the private property  
15 owner has to sign it or not, correct?

16 A. That's correct.

17 Q. Do you know whether the Board of County  
18 Commissioners has to vote to accept it?

19 MR. WARNER: Object to form.

20 A. I think that is one instance and one way. I  
21 don't know if that is the only way.

22 BY MR. GORDON:

23 Q. Are you -- what other ways are there that you  
24 are aware of?

25 A. Well, there's some statutes that said, if



1 you've provided maintenance over a period of time, then  
2 you somewhat by default have accepted the range.

3 Q. The dedication, if -- if there was an offer?

4 A. Well, I'm not sure an offer is required in  
5 that instance.

6 Q. Okay. Would you defer to legal counsel on  
7 that?

8 A. Yes, sir.

9 Q. All right.

10 (Exhibit 22 was marked for identification)

11 BY MR. GORDON:

12 Q. I'm going to show you what I've marked as  
13 Exhibit 22 to your deposition. It's -- my understanding  
14 this was -- this document was produced by Walton County  
15 in this case and is referenced in the interrogatory  
16 responses that you verified were responsive to questions  
17 we asked the County.

18 A. Okay.

19 Q. Have you ever seen this actual document  
20 before?

21 A. I don't recall seeing it.

22 Q. Do you know who prepared these handwritten  
23 notes?

24 A. I have no idea.

25 Q. Was Toni -- when was Toni Craig the county

1 attorney?

2 A. 2011, '12ish, maybe.

3 Q. Okay.

4 A. Somewhere in that time frame.

5 Q. Do you know whether these may have been her  
6 handwritten notes?

7 A. I have no idea.

8 Q. Do you know how I would verify whose notes  
9 these were?

10 A. I have no idea.

11 Q. Okay. Is there someone in the County that  
12 could verify that for me?

13 A. I don't know.

14 Q. So do you know who I would -- if you wanted  
15 to verify who prepared these notes, who would you ask in  
16 the County?

17 A. Well, I would probably make a determination  
18 that, well, this looks to be a legal matter, so I would  
19 probably ask the county attorney.

20 Q. Okay.

21 A. Can you or someone determine who wrote these  
22 notes.

23 Q. Okay.

24 A. I don't --

25 Q. Great.

1                   These were produced by the County. I see a  
2 note that there's a Montigo beach access parking lot.

3           A.     Yes.

4           Q.     Do you know whether a Montigo beach access  
5 parking lot has been ever been built in Walton County?

6           A.     Offhand, I don't.

7           Q.     Okay. The next note says, Gulf Shore Manor  
8 owns the parking lot property.

9                   Do you see that?

10          A.     I do.

11          Q.     Who is Gulf Shore Manor?

12          A.     Who is Gulf Shore Manor?

13          Q.     Yes.

14          A.     Based on what you've presented today, is a  
15 subdivision created in 1925.

16          Q.     Okay.

17          A.     Or somewhere thereabouts.

18          Q.     And this note says, Plat in 1924. It then  
19 states, Neither county or Gulf Shore own property.

20                   Do you see that note?

21          A.     I see that.

22          Q.     Do you know when this notation was first  
23 made -- was created by someone in Walton County?

24          A.     No, sir, not a clue.

25          Q.     Okay. That's a good sign. That means I'm

1 not asking about that one.

2 (Sotto Voce Discussion)

3 (Exhibit 23 was marked for identification)

4 BY MR. GORDON:

5 Q. I'm going to show you what I marked as  
6 Exhibit 23, which are a series of resolutions. But I'm  
7 specifically asking you -- if you look at the bottom  
8 right-hand corner, there's a -- says Walton County, then  
9 there's a number. Do you see that?

10 A. Yes, sir.

11 Q. That's what we refer to as a Bates number.

12 A. Okay.

13 Q. So as -- I'd like you to look at Walton  
14 County 004433. They're like page numbers.

15 A. It's in this packet?

16 Q. Yes, sir.

17 A. Okay.

18 Q. And do you see Resolution 1985-04?

19 A. I do.

20 Q. This appears -- and we had looked at some  
21 meeting minutes earlier in which there had been a  
22 statement that the Gulf Shore Manor plat had never been  
23 accepted.

24 Do you remember that?

25 A. Yes, sir.

1 Q. And you questioned whether that was the  
2 County's determination or whether that was stated by the  
3 property owner, correct?

4 A. Yes, sir.

5 Q. If you see in this resolution, the first  
6 whereas clause states that, Whereas said subdivision,  
7 referring to the Gulf Shore Manor subdivision, has been  
8 recorded in 1925, but never accepted formally by the  
9 county commissioners.

10 Do you see that?

11 A. In the second whereas?

12 Q. First whereas -- or yeah, I guess it's  
13 second, yes, sir.

14 A. Said subdivision has been recorded and has  
15 been recorded in 1925, but never accepted formally by  
16 the Board of County Commissioners. I do see that.

17 Q. So do you agree that, at least as of  
18 January 29, 1985, the Board of County Commissioners  
19 acknowledged that it had never accepted formally the  
20 1925 plat for Gulf Shore Manor?

21 A. I would read that that's what this resolution  
22 reflects.

23 Q. You agree that's what the resolution  
24 reflects?

25 A. Well, that's what it states, yes, sir.

1 Q. And do you agree this resolution appears to  
2 attempt to accept certain roads within Gulf Shore Manor  
3 but not the entire plat?

4 MR. WARNER: Object to form.

5 A. Well, in the, Therefore, be it resolved  
6 states that the Board of County Commissioners of Walton  
7 County, Florida accepts that portion of San Juan Avenue,  
8 Santa Clara Drive, and Montigo Avenue, lying south of  
9 30A in Gulf Shore Manor subdivision, Walton County,  
10 Florida.

11 I would agree that's what that says.

12 BY MR. GORDON:

13 Q. You would agree that that language does not  
14 accept all of the roads reflected in the 1925 depiction  
15 of Gulf Shore Manor, correct?

16 A. Assuming that San Juan, Santa Clara, and  
17 Montigo are not the only roads depicted.

18 Q. Sure. Feel free to go back and look at the  
19 depiction if you'd like.

20 A. I'll take your word on it.

21 Q. Okay. So you would agree with me that  
22 this -- in fact, this isn't even accepting all of those  
23 roads, correct?

24 A. It's --

25 Q. It is only accepting the ones that are south

1 of 30A, correct?

2 A. That's -- and -- accepting that portions of  
3 the road lie north of 30A.

4 Q. Well, and -- and if you want to go look at  
5 the depictions?

6 A. No, that's --

7 Q. Okay.

8 A. -- that's fine.

9 Q. Do you know if Walton County ever built those  
10 three roads?

11 A. I don't know.

12 Q. Who in Walton County would know if those  
13 roads had ever been built?

14 A. I'm not sure.

15 (Exhibit 24 was marked for identification)

16 BY MR. GORDON:

17 Q. I'll show you what's been marked as  
18 Exhibit 24 to your deposition. These are some  
19 regular -- October 8, 1974 regular meeting minutes of  
20 the Walton County Board of County Commissioners.

21 Have you ever seen these?

22 A. I don't recall ever seeing them.

23 Q. Okay. If you look at Page 3 -- these were  
24 produced to us by Walton County. And they were  
25 incorporated into the interrogatory responses that you

1 verified to be true and accurate.

2 If you look at Page 3, there's a statement  
3 about Mr. John Kennedy appeared before the board to  
4 object to the abandonment of the west 270 feet of Willow  
5 Street in Gulf Shores Manor.

6 Do you see that?

7 A. I do.

8 Q. And there's then some discussion about that  
9 and some documents.

10 And if you go to Page 6, in the second  
11 paragraph, it states, After much discussion, the motion  
12 was made by Martin, seconded by Anderson, to abandon the  
13 west 270 --

14 A. Excuse me. Let me...

15 Q. Sure.

16 A. The second paragraph, Mr. Lowery gave the  
17 County a right-of-way?

18 Q. Yes.

19 A. Okay.

20 Q. And then, if you go to the next sentence, it  
21 talks about what the Board of County Commissioners did.

22 A. After much discussion?

23 Q. Yes, sir.

24 A. Okay.

25 Q. Just read that. I'm going to -- what I'm



1 going to ask you is did the -- based on this language,  
2 do you agree that the Board of County Commissioners  
3 abandoned and vacated the west 270 feet of Willow Street  
4 in Gulf Shores Manors -- in Gulf Shores Manor?

5 A. The statement here is made that, After much  
6 discussion, the motion was made by Mr. Martin, seconded  
7 by Mr. Anderson, to abandon the west 270 feet of Willow  
8 Street, Lot 13 in Gulf Shores Manor as advertised. As  
9 for faze eyes nurse nays zero.

10 Based on that statement, the board took  
11 action to abandon the west 270 feet of Willow Street.  
12 So if that was the proper means for abandoning --  
13 abandoning that west 270 feet, then that -- that's the  
14 action they took.

15 Q. What does it mean for a county to abandon a  
16 portion of a street?

17 MR. WARNER: Object to form.

18 BY MR. GORDON:

19 Q. What do you understand it mean to -- as set  
20 forth in these minutes to abandon a portion of a street?

21 A. To set aside whatever rights they may have.

22 Q. So essentially, the County is voting here to  
23 set aside whatever rights the County had in that portion  
24 of Willow Street, correct?

25 A. That's what the motion would indicate, again,

1 if that is the appropriate means to do it.

2 Q. Do you know whether that was an inappropriate  
3 means to abandon that?

4 A. I don't.

5 (Exhibit 25 was marked for identification)

6 A. And if -- and -- and if I might add, when  
7 we -- and I don't know the details here. An abandonment  
8 can only indicate the rights that the County may have on  
9 another's property. If it's a -- a street, a road, or a  
10 right-of-way that we own by fee simple title, there's  
11 statute that dictates how you surplus and dispose of  
12 those properties.

13 BY MR. GORDON:

14 Q. Do you know whether the County ever had  
15 Willow Street by fee simple title?

16 A. I do not.

17 Q. Okay. I'm going to show you what I've  
18 marked -- that last one was dated 1974. I'm now going  
19 to show you what I've marked as Exhibit 25, which is a  
20 Board of County Commissioners resolution dated March 28,  
21 1978.

22 Have you ever seen this document before?

23 A. I don't believe so.

24 Q. Do you agree with me that this resolution is  
25 Walton County renouncing and disclaiming any right of

1 the County in the public in and to certain property in  
2 Gulf Shore Manor?

3 A. Without reading it, I cannot.

4 Q. Take your time and read it.

5 Do you agree with me that this is a  
6 resolution, for lack of a better term, renouncing and  
7 disclaiming any rights the County may have had to  
8 certain property described in Gulf Shore Manor?

9 A. That's what the document says, yes, sir.

10 Q. Okay. You had mentioned earlier that you're  
11 familiar with some statutes that relate to various  
12 issues that you would have to deal with either as a  
13 county commissioner or as a county administrator.

14 Do you recall that testimony?

15 A. Remind me.

16 Q. You've referenced some statutes here today.  
17 And I'm going to ask specifically, are you familiar or  
18 has anyone ever told you about Section 177.101,  
19 Subsection 5 of Florida statutes?

20 A. I don't know what it relates to, so...

21 Q. Okay. Are you aware of the Florida statute  
22 that provides that, when the County vacates part of a  
23 right-of-way in a plat, it is deemed to have vacated all  
24 of the right-of-ways that have not yet been developed?

25 A. I'm not familiar with that.

1 Q. Okay. No one's advised you of that law?

2 A. Not that I recall.

3 (Exhibit 26 was marked for identification)

4 BY MR. GORDON:

5 Q. I'm going to show you what's been marked as  
6 Exhibit 26 to your deposition. Again, this was a  
7 document produced by Walton County and incorporated into  
8 the interrogatory responses that you verified under  
9 penalty of perjury to be true and accurate.

10 Have you ever seen this document before?

11 A. I don't recall seeing it.

12 Q. Do you know who made the handwritten  
13 notations on this?

14 A. Don't have a clue.

15 Q. There's a notation in the bottom right. It  
16 says, 1978 disclaimed, and then it identifies an area.

17 Do you see that?

18 A. I see the note. Are you saying the little --  
19 is the depiction of the area?

20 Q. Yeah. There's the little kind of lines that  
21 depict --

22 A. I see -- I see that. I --

23 Q. It appears --

24 A. -- don't know that one's attached to the  
25 other, but --

1 Q. It appears to be --

2 A. -- if you say it is, I'll take your word for  
3 it.

4 Q. You agree, it appears to include all the land  
5 south of 30A?

6 A. If that's 30A that has the line drawn across  
7 the plat.

8 Q. With -- that says 30A written next to it?

9 A. It would appear to, yes.

10 Q. Okay. Do you have any reason to believe that  
11 that section of San Juan, Santa Clara, and Montigo was  
12 disclaimed by the 1978 resolution that we just looked  
13 at?

14 MR. WARNER: Object to form.

15 A. I don't recall the word "disclaimed" --  
16 renounce and disclaim, yes, it does. I'm sorry.

17 BY MR. GORDON:

18 Q. I mean, it does --

19 A. Yeah, I see it. Yeah.

20 Q. Okay.

21 A. Renounce and disclaim. You're right. Okay.

22 Q. Do you have --

23 A. Seems to be consistent.

24 Q. Okay. If, in 1978, Walton County renounced  
25 and disclaimed the portions of San Juan, Santa Clara,

1 and Montigo as reflected on the plat, how could the  
2 County, in 1985, have purported to accept those sections  
3 of the plat?

4 MR. WARNER: Object to form.

5 A. I was not here for either of those instances,  
6 so I don't know what logic or counsel was offered or  
7 used or given to come to those determinations.

8 BY MR. GORDON:

9 Q. Based on your knowledge as a county  
10 commissioner and county administrator and a master's  
11 degree in public administration, can a county renounce  
12 and disclaim rights it has in certain property, and  
13 then, later, come back on its own and just accept those  
14 rights back, take those rights back?

15 MR. WARNER: Object to form.

16 A. I would defer to legal counsel.

17 BY MR. GORDON:

18 Q. I'm asking, are you aware of that?

19 A. Well, the way you state it makes it difficult  
20 to ask because it's -- you -- it's not something you  
21 would make in a vacuum. It would be a set of  
22 circumstances that you would be considering along with  
23 that decision.

24 Q. Okay. I'm asking you specifically about the  
25 1978 resolution that we looked at.

1 A. Yes, sir.

2 Q. And then the subsequent -- which renounced  
3 and disclaimed those properties. And then the 1985  
4 resolution in which the County purported to accept  
5 portions of those properties --

6 A. Uh-huh.

7 Q. -- that had previously been disclaimed.

8 A. Which --

9 Q. In that specific situation --

10 A. Yes.

11 Q. -- are you aware of any instance in which  
12 that would be legal?

13 MR. WARNER: Object to form.

14 A. I don't have an opinion whether it would be  
15 legal or not legal.

16 BY MR. GORDON:

17 Q. Are you familiar with any situation in which  
18 a county government has dis- -- renounced and disclaimed  
19 rights and property, and then subsequently come back and  
20 reclaimed that property without another rededication of  
21 it to the County?

22 A. Apparently, right here, it happened.

23 Q. Okay. How did it happen here?

24 A. That's my -- the point of my question  
25 earlier. Without looking at the totality of the

1 circumstances and the counsel that was being given to  
2 the board, I couldn't answer yes or no.

3 Q. You're never aware of that happening in any  
4 other situation, are you?

5 A. I don't have a specific recall of that  
6 happening, but...

7 Q. And the reason I ask is, obviously, I believe  
8 that that 1985 --

9 A. Uh-huh.

10 Q. -- acceptance was invalid --

11 A. Yes, sir.

12 Q. -- based on the prior vacating of those  
13 rights. You understand that, correct?

14 A. I understand that's your position, yes.

15 Q. Okay. Do you have any knowledge whatsoever  
16 that -- that would suggest my position is incorrect?

17 A. I -- I will say I have no knowledge, but I  
18 will qualify it by saying that there -- it could be  
19 shortsighted to make that determination on what's been  
20 presented here today.

21 Q. Are you aware of any other documents --

22 A. No, sir, I'm not.

23 Q. -- that would suggest there's more to it than  
24 what I've just spelled out?

25 A. I am not.



1 Q. Okay. Is it possible that the 1985 attempt  
2 to accept those portions of the roads was just an error  
3 by Walton County?

4 MR. WARNER: Object to form.

5 A. I don't know if it was an error. It was  
6 clear what they said they intended to do.

7 BY MR. GORDON:

8 Q. Okay.

9 A. Now, whether -- and I think I -- it's in my  
10 response earlier, if that was the appropriate way for  
11 that to transpire.

12 Q. Okay. And you just don't know whether that  
13 was the appropriate way or not, correct?

14 A. That's correct.

15 (Exhibit 27 was marked for identification)

16 BY MR. GORDON:

17 Q. I'm going to show you what's been marked as  
18 Exhibit 27. This was a memo produced by Walton County  
19 in this case. I'll give you a moment to review it.

20 Let me know once you've had an opportunity to  
21 review it.

22 A. I mean, I've scanned it.

23 Q. Have you ever seen this document before?

24 A. I don't believe so.

25 Q. Do you know who prepared it?

1 A. Don't have any idea.

2 Q. Do you know why it's in the County's records  
3 that were produced in this case?

4 A. I do not.

5 Q. In the -- kind of the largest paragraph in  
6 the middle of the page, it refers to Gulf Shore Manor  
7 being platted by George P. Manus in 1925.

8 Do you see that?

9 A. I do.

10 Q. Are you aware of whether George P. Manus ever  
11 held title to the property known as Gulf Shore Manor?

12 A. I don't.

13 Q. It then states -- do you -- well...

14 It notes that the plat shows several proposed  
15 streets. In the third sentence, it states, and I quote,  
16 The GSM plat does not contain language that the street  
17 right-of-ways are hereby dedicated or proposed to be  
18 dedicated or any other language expressing an intent to  
19 dedicate the streets to the public.

20 Do you see that?

21 A. I do.

22 Q. Do you believe that the 1925 depiction that  
23 I've previously shown you as an exhibit or the 1958  
24 depiction that I've shown you as an exhibit, the  
25 recreation, do you agree with this statement that they

1 do not contain any language of dedication or proposed  
2 dedication?

3 MR. WARNER: Object to form.

4 A. The copies you provided me, I cannot read.

5 BY MR. GORDON:

6 Q. Do you disagree -- have any reason to believe  
7 this statement in this memo is incorrect?

8 A. I have no reason to believe it's correct or  
9 incorrect. There's no -- you know, without -- I don't  
10 know who prepared it under what circumstances they  
11 prepared it. Does appear they use the property  
12 appraiser and the deed book as references, but I don't  
13 have those.

14 Q. Has anyone ever told you that the depictions  
15 or plats at issue in this case contain language of  
16 dedication?

17 A. If so, it would've been from counsel.

18 Q. Well, and -- again, I'm not asking for legal  
19 advice from counsel.

20 A. Okay.

21 Q. If there are certain facts that your  
22 attorneys have disclosed to you that you've relied on,  
23 particularly in answering interrogatories under penalty  
24 of perjury, I want you to tell me what those facts are.

25 A. Okay.

1 Q. Have they told you that these plats or  
2 depictions contain language of dedication?

3 A. Not that I recall.

4 Q. It then, when it talks about 30A being  
5 constructed sometime in the 1970s, the next sentence  
6 says, and I quote, Most of the ROWs -- do you understand  
7 ROW to mean right-of-way?

8 A. Yes, sir.

9 Q. -- south of 30A were never paved, and the  
10 County never opened the area for public use.

11 Do you see that?

12 (Sotto Voce Discussion)

13 A. Okay. I do see that.

14 BY MR. GORDON:

15 Q. Do you know whether that's true or not true?

16 A. I don't know.

17 Q. Do you know whether those areas have been  
18 paved or opened to the public area for public use?

19 A. I believe they are today.

20 Q. Okay. Where?

21 A. Where? I'm not sure what you mean, where.

22 Q. Which of the right-of-ways have been paved  
23 and opened to public use as of today?

24 A. I think you'll find that San Juan, Montigo,  
25 and -- what's the third one? Santa Clara have been

1 paved south of 30A, and the public uses them.

2 Q. Have they been used as a public street?

3 A. I think so.

4 Q. Okay.

5 A. I don't know that I've ever looked at them  
6 from the aspect of whether you're a public street or  
7 not.

8 Q. Well, if property is dedicated to the County  
9 as a right-of-way, do you believe the County's then able  
10 to use it as a parking lot?

11 MR. WARNER: Object to form.

12 A. I think the County has rights in  
13 rights-of-ways for things they can utilize them for.  
14 And...

15 BY MR. GORDON:

16 Q. Do you agree with me that, if property is  
17 dedicated to the County for a specific purpose, the  
18 County is limited to using it for that specific purpose?

19 MR. WARNER: Object to form.

20 A. In the strictest construct of that question,  
21 yes.

22 BY MR. GORDON:

23 Q. And you understand, a right-of-way is a  
24 street, correct?

25 A. Not necessarily.

1 Q. You believe it can be a parking lot?

2 A. I believe it can be a number of things.

3 Q. All right. Do you know when Exhibit 27 was  
4 prepared?

5 A. I believe I answered I did not.

6 Q. It's sometime after 2019, because it cites  
7 that date as one of its sources, correct?

8 A. One would assume that.

9 Q. Okay. Are you aware of whether anyone in the  
10 County investigated this to determine whether it was  
11 accurate or inaccurate?

12 A. No, sir.

13 Q. And you don't know who prepared it?

14 A. Again, I do not.

15 Q. And who would you go ask if you wanted to  
16 find out who prepared this?

17 A. I would ask whoever presented it to me.

18 Q. Okay. It was presented to me by Walton  
19 County in some interrogatories that you signed as true  
20 and accurate.

21 A. Which one?

22 Q. And so that's the reason I'm asking you.

23 A. Okay. It's in reference to which  
24 interrogatory?

25 Q. Your interrogatories incorporate all those

1 documents. So if I have to ask the person that  
2 presented it to me, you're the one that presented it to  
3 me. So I'm asking you --

4 A. Wait a minute.

5 Q. -- who would I go ask to find out who  
6 prepared this document?

7 A. All right. I'm a little bit confused. I  
8 presented you with?

9 Q. All those documents that included this.

10 A. Okay.

11 Q. You then --

12 A. In response to the interrogatory.

13 Q. Then, in response to multiple  
14 interrogatories, you told me, all those documents,  
15 answer the question. Whatever to question was. But you  
16 said, Who presented it to me? It was you.

17 A. I presented it to you.

18 Q. Yes, sir.

19 A. We're going on that assumption. Okay.

20 Q. I understand, you don't know who prepared it.

21 A. Uh-huh.

22 Q. So I'm asking you, who would you go ask or  
23 who should I go ask to find out who prepared this  
24 document?

25 A. Considering there's nothing on the document

1 that determines who prepared it, nor is there a date  
2 that it was presented to the County, there is a  
3 reference to a final judgment circuit court case. That  
4 would probably be the first place I would ask probably  
5 someone in our legal department to go look, is that part  
6 of that final judgment.

7 Q. So that's -- I should go ask your legal  
8 department who produced this document?

9 A. Of --

10 Q. Is that who you would ask?

11 A. That's -- yes.

12 Q. Okay.

13 A. That's who I would ask. I don't know whether  
14 to direct you to ask them or not.

15 Q. What is your understanding of Walton County's  
16 efforts to investigate the title of the subject parcels  
17 before the County developed or used any of the parcels  
18 at issue in this case?

19 A. All right. What is my understanding of?

20 Q. Walton County's efforts --

21 A. Of the County's efforts.

22 Q. -- to investigate --

23 A. Okay.

24 Q. -- the title of these properties that are at  
25 issue in this case before Walton County developed or



1 used any of those parcels?

2 A. I don't have an understanding of such.

3 Q. Your attorneys have not told you anything  
4 about efforts to investigate?

5 A. Well, first of all, I don't know when the  
6 first use occurred.

7 Q. Me either.

8 A. So I don't know who would've been what at  
9 that time.

10 Q. Are you aware of whether any of these  
11 properties were used by the County more than 20 years  
12 before the lawsuit was filed?

13 A. I don't know.

14 Q. So you're unaware of any evidence that would  
15 suggest any of these parcels were used by the County  
16 more than 20 years before the lawsuit was filed?

17 MR. WARNER: Object to form.

18 A. First of all, I -- I'm not sure exactly of  
19 the date the lawsuit was filed.

20 BY MR. GORDON:

21 Q. You can --

22 A. But -- but I'm -- and -- and it's, perhaps,  
23 irrelevant. But 20 years prior to that, I'm not sure  
24 what uses were on the property and who determined that  
25 those uses were valid.

1 Q. And, in fact, would you agree, there could've  
2 been no use on the property 20 years prior, correct, to  
3 your knowledge?

4 A. There could've been. That -- that could be  
5 correct.

6 Q. Okay. Since any of these properties were  
7 used or developed by the County, what is your  
8 understanding of the County's efforts to investigate  
9 title or ownership of the property?

10 A. I don't have an understanding of it.

11 Q. Are you aware of anything Walton County has  
12 done or any steps it's taken to investigate title or  
13 ownership of these properties?

14 A. Not that I'm aware of.

15 Q. Since you have been a county commissioner or  
16 the county administrator, what have you done to direct  
17 that anyone investigate or confirm title to these  
18 properties?

19 A. I've done nothing that I'm aware of.

20 And let -- let me be clear on a couple  
21 things. The county attorney's office and the Tourist  
22 Development Council are separate and apart from county  
23 administration. Those departments, while we work very  
24 closely and collaboratively, they have the same  
25 reporting structure to the Board of County Commissioners

1 as I do. So there are -- they're capable of doing  
2 things that are -- well, everything they do is not under  
3 my jurisdiction --

4 Q. I understand.

5 A. -- as administrator.

6 Q. But as a county commissioner, you're unaware  
7 of anything you ever did to direct anyone to investigate  
8 or confirm title to any of these properties?

9 A. No, I don't recall doing so.

10 Q. And in your position as a county  
11 administrator, you're unaware of anything you've done to  
12 direct anyone to investigate or confirm title to the  
13 subject properties, correct?

14 A. That's correct.

15 Q. All right. Are you aware of any efforts by  
16 anyone in Walton Count- -- of county government to reach  
17 out to the heirs of Mildred Feldman?

18 A. I have not, to my -- if anyone has, it's not  
19 been to my knowledge.

20 Q. Okay.

21 (Exhibit 28 was marked for identification)

22 BY MR. GORDON:

23 Q. I'm going to show you what's been marked as  
24 Exhibit 28 to your deposition. These are some regular  
25 meeting minutes of October 9, 2012, of the Board of

1 County Commissioners.

2 Have you ever seen this document before?

3 A. Possibly, but I don't recall seeing it. I'm  
4 sure it was presented -- I was on the board. I'm sure  
5 it was presented for our approval.

6 Q. Okay. Were you on the board at the time?

7 Yeah, I see you are.

8 A. Yes.

9 Q. Okay. It appears that Jared Demarest, he was  
10 the interim county administrator at the time, correct?

11 A. Gary.

12 Q. Gary? Is that --

13 A. That's what it states, yes, sir.

14 Q. All right. If you go to Page 5?

15 A. Okay.

16 Q. The second to last paragraph, refers to  
17 Mr. Dave Sell, the Tourist Development Count -- count --  
18 Council, misspelled, I think --

19 A. Yeah.

20 Q. -- presented the design and engineering  
21 services for additional beach access parking, and it --  
22 on Walton Dunes, and then it refers to Santa Clara Phase  
23 II and Montigo Avenue.

24 Do you see that?

25 A. I do.

1 Q. Are you aware that Santa Clara Phase II and  
2 Montigo Avenue are part of the subject properties in  
3 Gulf Shore Manor that are at issue in this case?

4 A. I am now.

5 Q. Mr. Demarest stated that these are existing  
6 right-of-ways that are currently owned by the County.

7 Do you see that?

8 A. Yes.

9 Q. What did Mr. Demarest say was the -- his  
10 basis for determining that they were existing  
11 right-of-ways currently owned by the County?

12 A. That's not indicated here, so I don't know.

13 Q. Well, but you were at the meeting, so -- I  
14 know it was a long time ago, but I have to ask.

15 A. Okay. I don't recall.

16 Q. All right. Are you aware of anything --

17 A. I don't -- I don't recall if he did or what  
18 he did.

19 Q. Okay. Are you aware of any documents that  
20 would indicate that those right-of-ways are owned by the  
21 County?

22 A. Unless there's documents in the record that  
23 would refresh my memory, I am not.

24 Q. Then I take it -- the Commissioner L. Jones.  
25 That's you, correct?

1 A. Yes, sir.

2 Q. And you've clarified that no additional  
3 property will be acquired?

4 A. That's correct.

5 Q. Why'd you say that?

6 A. I have no idea.

7 Q. Okay. Did you at that time direct anyone to  
8 make sure that those properties were actually owned by  
9 the County?

10 A. No, sir. I believe I -- I mean, it's not  
11 reflected here, so I -- I don't have any recall of it.

12 Q. Are you aware of any title search that was  
13 done by Walton County as of October 9, 2012 to confirm  
14 title to the Gulf Shore Manor alleged right of ways?

15 A. No, sir.

16 Q. Are you aware of any title search requested  
17 or performed by Walton County prior to 2015 to determine  
18 who had title of those proposed right-of-ways?

19 A. No, sir.

20 (Exhibit 29 was marked for identification)

21 BY MR. GORDON:

22 Q. Like to show you what's been marked as  
23 Exhibit 29 to your deposition. These are County  
24 Commission Board, regular board meeting minutes from  
25 December 9, 1986, produced by Walton County in this

1 case.

2 If you go to Page 2 -- well, on Page 1, do  
3 you appear -- see that George R. Miller was the county's  
4 attorney at the time or the board's attorney?

5 A. I don't see it, but it's my understanding he  
6 was the county attorney at the time.

7 Q. All right. If you go to the second page,  
8 there is a paragraph that begins, Mr. James Estes,  
9 property owner in Gulf Shore Manor?

10 A. Yes, sir.

11 Q. At the end of that sentence, it state -- at  
12 the end of that paragraph, the last sentence states,  
13 After discussion, Commissioner Miles advised that he  
14 would like to give Attorney Miller some time to look  
15 into the matter to see if the roads were dedicated to  
16 the public at the time of recording.

17 Do you see that?

18 A. I do.

19 Q. Are you aware of anything Attorney Miller did  
20 to look into that issue?

21 A. Not at all.

22 Q. Are you aware of any records in the  
23 possession of Walton County that would reflect what  
24 Attorney Miller did, if anything or what conclusions he  
25 reached on that issue?

1 A. No, sir.

2 Q. Now, you've seen previous exhibits indicate  
3 that, at least Public Works in 2012, was of the opinion  
4 it had not been dedicated, correct?

5 A. I saw the memo they had prepared that  
6 indicated that, yes, sir. Or that someone in Public  
7 Works prepared. I don't know that it...

8 Q. Are you aware of whether the County asked  
9 George Ralph Miller again in 1991 to check into title of  
10 lands at issue?

11 A. Am I aware of that?

12 Q. Yes.

13 A. No, sir.

14 Q. Are you aware of any research or results of  
15 such research that George Ralph Miller did on this issue  
16 at any time?

17 A. I am not.

18 Q. Would you agree with me that, at least in  
19 1985 or 1986, the County was in doubt or had questions  
20 about its right to these right-of-ways --

21 MR. WARNER: Object --

22 BY MR. GORDON:

23 Q. -- in Gulf Shore Manor?

24 MR. WARNER: Object to form.

25 A. It would probably be a stretch for me to try



1 to make any determination of what they thought or knew  
2 or -- their opinions were in 1986.

3 BY MR. GORDON:

4 Q. Well, you -- you've seen where they're  
5 directing attorneys to continue to research it, correct?

6 A. In 1986?

7 Q. Yes, sir.

8 A. I see where Commissioner Miles advised that  
9 he would like to give Attorney Miller some time to look  
10 into the matter to see if the roads were depicted or  
11 dedicated to the public at the time of the recording.  
12 I -- I see that.

13 Q. So you had a great -- at least Commissioner  
14 Miles, in 1986, had questions about whether the  
15 dedication at the time of recording was -- was  
16 effective, correct?

17 MR. WARNER: Object to form.

18 A. I don't know what Mr. Miles' motivation was  
19 to have Attorney Miller to look further, whether he --  
20 Mr. Miles had an opinion and knew what he knew and was  
21 looking for confirmation, but I -- I do know that  
22 Mr. Miles asked Mr. Miller to -- to do that.

23 (Exhibit 30 was marked for identification)

24 BY MR. GORDON:

25 Q. I would like to show you what's been marked

1 as Exhibit 30 to your deposition.

2 At some point, did the attorneys defending  
3 Walton County in this lawsuit request a title search on  
4 the subject properties?

5 And Exhibit 30 appears to be an invoice for  
6 such a title search.

7 A. Exhibit 30 appears to be an invoice from  
8 attorney title fund to Emmanuel Sheppard & Condon for a  
9 Walton County political subdivision, State of Florida,  
10 with a client's file and a commercial title search  
11 report and a policy number in the amount of \$250. And  
12 it says, Address searched, Gulf Shore Manor, Florida.

13 Q. You understand this lawsuit involves Gulf  
14 Shore Manor?

15 A. Yes.

16 Q. Do you understand that Adam Cobb of Emmanuel  
17 Sheppard & Condon is one of the defense attorneys for  
18 Walton County in this case?

19 A. Yes.

20 Q. All right. It says, Legal searched, and it  
21 states, Portions of undeveloped areas.

22 What do you understand the term undeveloped  
23 areas to mean?

24 A. That there are areas which are undeveloped.

25 Q. What does undeveloped mean to you?

1 A. They have no development.

2 Q. Would that mean they're in their natural  
3 state?

4 A. It -- it could.

5 Q. All right. Well, that's -- that's the reason  
6 I ask what seemed like an obvious question of what does  
7 undeveloped mean to you because it could mean it's a  
8 natural state. What else could it mean to you?

9 A. Well, it could be -- it could be cleared. So  
10 you could either call that development or not.

11 Q. You would call that undeveloped even if it's  
12 cleared?

13 A. Probably. I would probably look for some  
14 vertical construction to...

15 Q. What if something is like -- there's just,  
16 like, a dirt road, would you consider that developed?

17 A. Probably not as I understand development.

18 Q. Okay. What if there's just a dirt area  
19 cleared for parking, but there's no asphalt or actual  
20 vertical construction, would you consider that  
21 developed?

22 A. I think it could be considered developed, but  
23 it -- you know, it may not be.

24 Q. Okay.

25 A. I think there's arguments that could be made

1 either way.

2 MR. GORDON: Let's go off the record for just  
3 a minute.

4 VIDEOGRAPHER: The time is currently  
5 12:39 p.m. And we're off the video record.

6 (Discussion off the record)

7 (Recess)

8 VIDEOGRAPHER: The time is currently  
9 12:53 p.m. And we're back on the video record.

10 (Exhibit 31 was marked for identification)

11 BY MR. GORDON:

12 Q. I will show you, Mr. Jones, what I marked  
13 Exhibit 31 to your deposition. This appears to be an  
14 e-mail chain in November 2012 with Toni Craig.

15 Was Toni Craig the county attorney at the  
16 time?

17 A. She was county attorney at some time frame in  
18 there, and that would seem to be correct time.

19 Q. I see some people that are CC'd in the -- on  
20 the most current e-mail. Do you recognize any of those  
21 names or e-mail addresses?

22 A. Cindy Meadows and Dave Sell.

23 Q. And who are they?

24 A. Cindy Meadows was a commissioner. Hang on.  
25 I'm -- I apologize. I don't -- I've got a new phone,

1 and I don't --

2 Q. That's okay.

3 A. -- know how to hang the call up, apparently.

4 Q. No worries.

5 A. Let me try that.

6 Cindy would've been a commissioner during  
7 that time. And Dave Sale was a -- worked in beach  
8 maintenance at the Tourist Development Council.

9 Q. All right. It appears the subject concerns  
10 Montigo Avenue.

11 Do you see that?

12 A. I do.

13 Q. If you -- you know, the way e-mails go, the  
14 most current one is first, and you have to kind of go  
15 back to track them?

16 A. Uh-huh.

17 Q. But as I go back, it appears that there was  
18 an attachment to this e-mail chain from First American  
19 Title dated November 5, 2012.

20 Do you see that?

21 A. Yes, sir.

22 Q. And it was to Bobby Lynch at Hall & Runnels.  
23 That's a law firm in Destin. Are you aware of that?

24 A. I am, yes.

25 Q. And it appears to be referencing a title

1 search that was done on Montigo Avenue in Gulf Shore  
2 Manor.

3 Do you understand that's one of the  
4 properties we're discussing today in this lawsuit?

5 A. I do.

6 Q. All right. If you go to the next page --

7 A. And let me -- if I might. I see it refers to  
8 Gulf Shore Manor. I don't see -- am I missing something  
9 that's --

10 Q. Look at the page right before the one you're  
11 looking at. There's, like, a cover letter.

12 A. Okay. Montigo Avenue, okay.

13 Q. And then, I was going to ask you the invoice,  
14 which is the last page.

15 A. Okay.

16 Q. Under the invoice, it refers to Gulf Shore  
17 Manor, and it has buyers, then it says sellers. Who do  
18 you sees -- whose name is next to seller?

19 A. Mildred Feldman.

20 Q. Do you know why Mildred Feldman is listed  
21 there as seller?

22 A. I have no idea.

23 Q. If the title search reflected that Mildred  
24 Feldman was the record title owner at the time, would  
25 that explain why it says seller and has her name?

1 A. The record title --

2 MR. WARNER: Object to form.

3 A. -- owner at the time of...

4 BY MR. GORDON:

5 Q. The title search, 2012?

6 MR. WARNER: Object --

7 A. I'm not that familiar with title searches, so  
8 I -- I would -- I would've felt more comfortable in that  
9 scenario if it said owner.

10 Q. Okay. Are you aware -- were you on the board  
11 at the time?

12 A. What was the date?

13 Q. 2012?

14 A. Till the end of 2012, I was. November 23rd,  
15 2012 was probably my first meeting not on the board --  
16 well, some -- somewhere around that time, I left the  
17 board.

18 Q. Okay.

19 A. About the third week in November of 2012.

20 Q. Are you aware of any efforts taken by the,  
21 County, the county attorney, or anyone that works for  
22 Walton County to search the title to Gulf Shore Manor  
23 after receiving this e-mail in November 2012?

24 A. I am not.

25 Q. After the County received this in 2012, are

1 you aware of attempts by anyone for the govern -- Walton  
2 County government to attempt to locate Ms. Feldman or  
3 her heirs?

4 A. After receiving this e-mail?

5 Q. Yes.

6 A. No, I'm not. I'm not --

7 Q. Are you aware of any attempt by anyone at  
8 Walton County after that e-mail was received by Walton  
9 County to open a probate to obtain clear title to the  
10 subject properties in Gulf Shore Manor?

11 A. I am not.

12 Q. Are you aware of any attempts by Walton  
13 County to institute an eminent domain proceeding after  
14 receiving that e-mail in November 2012.

15 A. I am not.

16 (Exhibit 32 was marked for identification)

17 BY MR. GORDON:

18 Q. I will show you what's been marked Exhibit 32  
19 to your deposition.

20 Have you ever seen this document before?

21 A. I don't recall seeing it.

22 Q. This document was produced by Walton County  
23 in this case. It appears to be a title search report  
24 dated October 15, 2015.

25 Do you know who requested this title search



1 report?

2 A. I don't.

3 Q. Who was the county attorney on October 15,  
4 2015?

5 A. Probably Mark Davis.

6 Q. Has anyone told you that Mark Davis requested  
7 this title search report in 2015?

8 A. Not that I recall. They may have.

9 Q. If you go to the second page of the report,  
10 it states, A parent title vested in. And then, who does  
11 it indicate a parent title to the subject property is  
12 vested in?

13 A. The report states Mildred Feldman, if living,  
14 beneficiaries of the estate of Mildred Feldman, subject  
15 to estate proceedings if deceased.

16 Q. Is there any indication in this title search  
17 report from 2015 that Walton -- that a parent title is  
18 vested in Walton County?

19 A. I haven't looked at the whole report, but  
20 that statement of vesting does not.

21 Q. It then has a description of the property  
22 searched. Do you have any reason to believe that that  
23 description does not include the subject properties in  
24 Gulf Shore Manor in this case?

25 MR. WARNER: Object to form.

1           A.       I see it names the streets, avenues in --  
2       that's depicted on the plat of Gulf Shore Manor. So  
3       based on that, I would answer your question in the  
4       affirmative.

5       BY MR. GORDON:

6           Q.       The next section, there's a section called  
7       Muniments of Title.

8                    Do you see that?

9           A.       I do.

10          Q.       Do you see any muniment of title listed  
11       identifying any interest of Walton County in any of the  
12       subject properties?

13          A.       Could you repeat the question, please?

14          Q.       Do you see -- under the section Muniments of  
15       Title --

16          A.       Yes, sir.

17          Q.       -- do you see any muniment of title listed  
18       that would indicate any interest of Walton County in the  
19       subject properties?

20          A.       I only hesitate because it says, We found  
21       numerous conveyances for Mildred Freedman (sic)  
22       regarding individual lots within the plat of Gulf Shore  
23       Manor, last convenience, so and so. We find no  
24       conveyance to Walton County for any roads located within  
25       the said plat of Gulf Shore Manor.

1           So I don't know that any of the numerous  
2 conveyances they found may have been to Walton County,  
3 but it clearly states that the roads were not.

4           Q.     As of -- the effective date of the search is  
5 2015, correct?

6           A.     I believe that's correct, yes, sir.

7           Q.     And at least as of -- and then, the effective  
8 date of the approved based title information is  
9 January 25, 1916.

10           Going back -- so as of 2015, this title  
11 report indicates that there was no conveyance to Walton  
12 County for any roads or -- they found no conveyance to  
13 Walton County of any roads located within the plat of  
14 Gulf Shore Manor, correct?

15           A.     That's what it states, yes, sir.

16           Q.     Are you aware of any steps that anyone in  
17 Walton County or the county attorney's office or the TDC  
18 took in response to being informed that there was no  
19 conveyance to Walton County of those roads in 2015?

20           A.     I'm not aware of any.

21           Q.     If Walton County -- if someone in Walton  
22 County, be it attorney's office or administration was  
23 informed that there was no conveyance of these  
24 right-of-ways to Walton County in a title search and  
25 Walton County had built parking lots on part of these

1 properties and opened it up to the public, do you  
2 believe that there was an obligation on the County to  
3 take some action to affirm its right to have done so --

4 MR. WARNER: Object to form.

5 BY MR. GORDON:

6 Q. -- develop those properties?

7 A. I'm not sure.

8 Q. When you verified the interrogatories in this  
9 case and your attorneys presented you with the factual  
10 information and told you to do that, did they inform you  
11 of this title report -- this title search report that  
12 was in the county records at the time?

13 A. Not that I recall as it...

14 Q. What was your position with the County on  
15 October 15 of 2015?

16 A. October 15 of 2015, I was in my current  
17 position as county administrator.

18 Q. Did anyone inform you as the county  
19 administrator that a title search report indicated the  
20 County was never conveyed title to the properties that  
21 it had developed in Gulf Shore Manor?

22 A. Not that I recall.

23 Q. As the county administrator, would you have  
24 expected somebody to inform you of that?

25 A. Not necessarily.

1 Q. Would you have expected somebody in Walton  
2 County to have raised that issue with somebody else in  
3 Walton County?

4 A. Potentially. I -- I mean, I don't -- I don't  
5 know under what direction this title search was sought  
6 and obtained. I don't know if -- if it was for the  
7 county attorney's edification, it would've probably been  
8 to him.

9 Q. I mean, you agree, that's a huge issue if the  
10 County has developed property that the County doesn't  
11 own, correct? Or the County doesn't have a right to?

12 A. Now, say that again.

13 Q. Would you agree that it's a big issue as the  
14 county administrator if the County, even if it's  
15 accidentally, has developed property that's not to which  
16 the County has no right?

17 MR. WARNER: Object to form.

18 A. If -- if the County said that Ben Gordon owns  
19 this piece of property, we're going to build a parking  
20 lot on it, we don't care what he thinks, you know,  
21 that's -- that's a problem.

22 BY MR. GORDON:

23 Q. What if --

24 A. Unless the County has some -- has determined  
25 there is a right to do such through some means or

1 mechanism, whatever it may be.

2 Q. What if the County honestly believed it had a  
3 right at the time they developed somebody's private  
4 property for a public purpose with a parking lot --

5 A. Okay.

6 Q. -- but they later have reason to believe that  
7 maybe they were incorrect at the time about their  
8 rights. Do you believe that's a problem for the County  
9 that needs to be investigated?

10 MR. WARNER: Object to form.

11 A. I believe there -- there could be a potential  
12 issue there. You know...

13 BY MR. GORDON:

14 Q. Do you think it should be investigated?

15 A. Well, it's --

16 MR. WARNER: Object to form.

17 A. -- you know, a question that doesn't have an  
18 answer. You know, show me the set of facts, and I can  
19 give you an opinion. But on a -- you know, just make a  
20 general statement, I would be --

21 Q. Okay.

22 A. -- hesitant to...

23 Q. And here's a set of facts. The Walton County  
24 goes and develops a parking lot and beach access on  
25 property and subsequently learns through a title search

1 report that a title company believes that that property  
2 was never conveyed to Walton County, is that a problem  
3 that Walton County should go investigate?

4 MR. WARNER: Object to form.

5 A. If -- there's another side to that story.

6 BY MR. GORDON:

7 Q. Well, no. You asked me to give you the  
8 facts. So those are the facts I'm giving you.

9 A. Well, okay. Those are --

10 Q. Should that be investigated?

11 A. Those are your facts.

12 Q. And that's --

13 (Simultaneous Speakers)

14 A. I don't know that those are all the facts.

15 BY MR. GORDON:

16 Q. You asked me to give you the facts.

17 A. Yeah.

18 Q. So I'm telling you, on those facts, should  
19 that be investigated?

20 MR. WARNER: Object to form.

21 BY MR. GORDON:

22 Q. If -- if the -- if -- as the county  
23 administrator, you don't think the county ought to  
24 investigate that, just say so.

25 A. I -- I've told you my position, that

1 there's -- if -- if that are -- is the entirety of the  
2 facts, it probably warrants some looking into. I don't  
3 know that that's the entirety of the facts.

4 Q. Okay.

5 A. And that's -- that would be my point.

6 (Exhibit 33 was marked for identification)

7 BY MR. GORDON:

8 Q. I'm going to show you what I've marked as  
9 Exhibit 33 to your deposition. These are Board of  
10 County Commissioner meeting minutes of December 11,  
11 2018.

12 I'd like you to look at Page 7.

13 A. Okay.

14 Q. And you were the county administrator at the  
15 time?

16 A. Yes, sir.

17 Q. And you were present at this meeting?

18 A. It says I was, yes, sir.

19 Q. On Page 7 --

20 A. Uh-huh.

21 Q. -- at the bottom of the page, there's a  
22 statement that Commissioner Glidewell -- or how do you  
23 pronounce?

24 A. That's right, Glidewell.

25 Q. -- asked about the ownership of the Montigo



1 access. Attorney Noyes stated there are still questions  
2 surrounding the ownership of the Montigo access and that  
3 each commissioner will be briefed. Commissioner  
4 Glidewell requested that proper ownership information be  
5 verified for all the beach accesses.

6 What prompted the commissioner to ask about  
7 the honor -- ownership of the Montigo access?

8 A. I'm not sure.

9 Q. Well, you were present at the meeting. What  
10 preceded him asking that question?

11 A. Well, I can refer to the minutes.

12 There's reference by Commissioner Chapman to  
13 the Avenue and quiet title. And Ms. Noyes said that  
14 regular monitoring is being done to determine if quiet  
15 title. Celeste Cabino had issues with Stallworth Beach.  
16 Richard Patella spoke in support of favoring public  
17 beach accesses. Mr. Junker spoke in opposition of  
18 development at Walton Dunes.

19 Q. Do you have any independent recollection  
20 other than what we can all read in the minutes?

21 A. No, sir.

22 Q. Okay. What do you understand the Montigo  
23 access to be referring to?

24 A. The Montigo access.

25 Q. Is that in Gulf Shore Manor?

1           A.     No. I mean, Montigo Avenue or Street is  
2 in -- at least portions of it's in Gulf Shore Manor.

3           Q.     Okay. It then states that Attorney Noyes  
4 stated there are still questions surrounding the  
5 ownership of the Montigo access.

6                     Has Attorney Noyes spoken to you in any way  
7 about questions surrounding the ownership of the Montigo  
8 access?

9           A.     Other than the context of this suit, I don't  
10 believe she has.

11          Q.     In 2018, had she spoken to you about it?

12          A.     I don't recall.

13          Q.     In early 2019, did she speak to you about it?

14          A.     I don't recall.

15          Q.     Did she speak to you about it any time prior  
16 to this lawsuit being filed?

17          A.     The first recollection I have of any  
18 discussion with her, anyone regarding this, I believe  
19 was a meeting with you and your client in this room. I  
20 don't remember what that date was.

21          Q.     Okay.

22          A.     I think she probably briefed me as to the  
23 bigger picture, and we sat through the meeting, and I  
24 left with no greater understanding of what the issues  
25 were than --

1 Q. So Ms. --

2 A. -- I did prior to.

3 Q. -- Ms. Noyes never discussed the ownership  
4 issues with you in Gulf Shore Manor prior to my meeting  
5 with you?

6 A. What -- I said that she briefed me --

7 Q. No --

8 A. -- before that meeting. I don't know  
9 immediately before it or sometime before it.

10 Q. But relative -- related to that meeting.  
11 There was all -- whatever briefing you got was related  
12 to your meeting with me?

13 A. It may or may not have been. I don't -- I  
14 don't recall.

15 Q. Okay. It then states -- did -- did you ever  
16 learn what the questions were surrounding ownership of  
17 Montigo that Attorney Noyes was referencing in 2019?

18 A. No, sir.

19 Q. What does it mean that "each commissioner  
20 will be briefed"?

21 A. Well, I can tell you what it means when I  
22 state it. I'm not sure what Ms. Noyes means.

23 Q. Okay. Well, when you were at that meeting or  
24 when you read these minutes, what do you understand that  
25 to mean?

1           A.     I understand that, if I make a statement that  
2 I'm going to brief commissioners, that I will either go  
3 to their offices individually or they'll come here and,  
4 individually, would have a discussion.

5           Q.     Why would Attorney Noyes need to individually  
6 brief the commissioners?

7           A.     You'd have to ask her. I don't know.

8           Q.     Why doesn't she just brief them at a public  
9 meeting so everyone can hear?

10          A.     Same answer. You'd have to ask her because  
11 I'm not sure what her intent was.

12          Q.     If she briefs each commissioner individually,  
13 then it's not at a public meeting, correct?

14          A.     That would seem to be the case, yes.

15          Q.     And that would then deprive the public of  
16 knowing what issues the County is considering or what  
17 legal advice they're given, correct?

18          A.     I'm not --

19                 MR. WARNER: Object to form.

20          A.     -- not going to answer that.

21 BY MR. GORDON:

22          Q.     You're what? You're not going to answer my  
23 question?

24          A.     I -- well, I don't know how to -- I don't  
25 know who's deprived of what because I was not in her

1 meeting.

2 BY MR. GORDON:

3 Q. Right.

4 A. And --

5 Q. Does the public have a right to go to her  
6 individual meetings with each commissioner?

7 MR. WARNER: Object to form.

8 A. I wouldn't think so.

9 BY MR. GORDON:

10 Q. Is it noticed to the public --

11 A. No, sir.

12 Q. -- when she meets with each individual  
13 commissioner?

14 MR. WARNER: Object to form.

15 BY MR. GORDON:

16 Q. Sir?

17 A. When I meet with them, it's not. I don't --

18 Q. Okay.

19 A. -- don't suppose she does.

20 Q. It then states that the commissioner  
21 requested that property ownership information be  
22 verified for all the beach accesses.

23 Was that done?

24 A. That request was not made to me, so I don't  
25 know.

1 Q. Okay. Well, did -- are you aware of whether  
2 anyone ever reported back to the commissioners without  
3 verification?

4 A. I'm not aware.

5 Q. Are you aware of any document anywhere in the  
6 County records that verified ownership of all the beach  
7 accesses after this request?

8 A. Are you say -- are you asking, is there one  
9 document that identifies all the beach accesses and  
10 provides verification of county ownership or right of  
11 use?

12 Q. I'm asking, after the commissioner made this  
13 request in December 2018 to verify ownership of all the  
14 beach accesses, are you aware of any one document, two  
15 documents, thousands of documents --

16 A. I'm not --

17 Q. -- that actually comply with the  
18 commissioner's request to verify ownership?

19 A. I am not.

20 Q. Okay. Who would know whether such documents  
21 exist?

22 A. I would speculate to say someone at the  
23 Tourist Development Council and/or the county attorney's  
24 office.

25 Q. Okay. Are you aware of a beach walkover at

1 Santa Clara?

2 A. It's my understanding there is a beach  
3 walkover there, if I recall. I don't know that I've  
4 ever been on it.

5 Q. Do you know whether the County paid for that  
6 walkover?

7 A. I don't.

8 Q. Do you know whether the neighbors actually  
9 paid the money necessary for the construction of that  
10 walkover?

11 A. I don't.

12 Q. Do you know when that walkover was  
13 constructed?

14 A. No, sir.

15 Q. Do you have any reason to dispute it was  
16 after April 10 of 2001?

17 A. I don't have any reason to dispute or confirm  
18 it.

19 Q. Okay.

20 MR. WARNER: What date did you say developed?

21 THE WITNESS: 2001.

22 MR. GORDON: April -- it was after April 10,  
23 2001.

24 BY MR. GORDON:

25 Q. Do you have any reason to believe that Walton

1 County paid for -- to construct that walkover?

2 A. No more than I have reason to believe the  
3 citizens in the area paid for it.

4 Q. Okay.

5 (Exhibit 34 was marked for identification)

6 (Sotto Voce Discussion)

7 BY MR. GORDON:

8 Q. I'm going to show you what's been marked as  
9 Exhibit 34 to your deposition. This is a meeting  
10 minutes from -- from a public hearing dated November 16,  
11 1998. It appears to be a quasi-judicial matter. And if  
12 you look at the -- I don't know, about two-thirds of the  
13 way or a third of the way down, it was related to  
14 information regarding the Santa Clara beach access.

15 Have you ever seen this document before?

16 A. I don't believe so.

17 Q. If you look at Page 2, at the top, there is a  
18 motion that is made to table further discussion on the  
19 Santa Clara beach access until Attorney Miller -- is  
20 that Attorney George Ralph Miller, the county attorney  
21 at the time?

22 A. I would assume so.

23 Q. -- until Attorney Miller has an opportunity  
24 to further review the documentation and to continue the  
25 public hearing.



1                   Do you know what information was being  
2 reviewed at the time?

3           A.     I do not.

4           Q.     Do you know whether it had to do with  
5 ownership of the Santa Clara beach access property?

6           A.     No, sir.

7           Q.     Do you know the results of Attorney Miller's  
8 investigation?

9           A.     No, sir.

10          Q.     Do you know who built the initial entrance to  
11 the Santa Clara beach access?

12          A.     I do not.

13          Q.     Are you familiar with the development of the  
14 Sea Walk subdivision?

15          A.     Offhand, I'm not.

16          Q.     All right. Are you aware of whether the  
17 developer built the -- as part of that agreement, any  
18 beach access for the County?

19          A.     I am not.

20                   (Exhibit 35 was marked for identification)

21 BY MR. GORDON:

22          Q.     I'm going to show you what's been marked as  
23 Exhibit 35. This purports to be a dedicate --  
24 dedication dated May 31, 1991 by F. Lloyd Blue, Jr. and  
25 Chris Cadenhead.

1 Are you familiar with this at all?

2 A. No, sir.

3 Q. It apparently purports to dedicate certain  
4 properties to the County -- do you agree -- in Gulf  
5 Shore Manor?

6 A. I haven't read it, so...

7 Okay. And your question again was?

8 Q. Do you agree with me that this appears to be  
9 a dedication where Mr. Blue and Mr. Cadenhead had a  
10 purporting to dedicate certain property in Gulf Shore  
11 Manor to Walton County?

12 A. I do.

13 Q. Are you aware of any efforts by anyone in  
14 Walton County, the legal department or anyone else, to  
15 verify that these gentlemen actually owned title to the  
16 property that they were purporting to dedicate?

17 A. Not -- no, sir.

18 Q. Based on your knowledge and your position, if  
19 somebody -- can somebody dedicate property they don't  
20 own?

21 MR. WARNER: Object to form.

22 A. I wouldn't think so.

23 Let me -- let me back up and add to that. If  
24 they have an interest in some means other than  
25 ownership, they may have that ability.

1 BY MR. GORDON:

2 Q. Are you aware of any efforts by anyone in  
3 Walton County to verify what basis Mr. Blue or  
4 Mr. Cadenhead had had to believe they could dedicate  
5 that property in that exhibit?

6 A. I do not.

7 (Exhibit 36 was marked for identification)

8 BY MR. GORDON:

9 Q. I'm going to hand you what's been marked as  
10 Exhibit 36 to your deposition. This is an e-mail dated  
11 September 12, 2012 from Dawn Moliterno.

12 What was her position on that date?

13 A. Executive director of South Walton Tourist  
14 Development Council.

15 Q. There appear to be -- the subject is beach  
16 parking. Then there's some attachments to this e-mail,  
17 but I don't know if they were produced to us. So --  
18 they're not here.

19 It has a conceptual layout for Montigo Avenue  
20 and a conceptual layout for Santa Clara beach parking.

21 Do you see that?

22 A. I do.

23 Q. Based on their being conceptual layouts  
24 prepared in 2012, would it be a safe assumption that  
25 those parking areas had not yet been developed at the

1 time?

2 MR. WARNER: Object to form.

3 BY MR. GORDON:

4 Q. Let me ask this: Do you have any information  
5 to suggest that those parking areas had been developed  
6 prior to September 12 of 2012?

7 A. I don't. However, a conceptual layout for  
8 Walton Dunes, conceptual layout for Montigo Avenue, and  
9 a conceptual layout for Santa Clara additional could be  
10 a -- for lack of a better term, a redevelopment. There  
11 may be parking there, but we're proposing a new -- new  
12 configuration.

13 Q. Is there any beach parking at Montigo?

14 A. I'm not -- I'm not sure.

15 Q. You're not aware of any beach parking lot at  
16 Montigo, are you?

17 A. No. But I'm not aware that there's not beach  
18 parking there either.

19 (Exhibit 37 was marked for identification)

20 BY MR. GORDON:

21 Q. Show you what I've marked as Exhibit 37 to  
22 your deposition. This is an e-mail chain involving  
23 Cindy Meadows, Mark Davis, Wilmer Stafford, and Buddy  
24 Wright, responding to -- from a citizen, Phillip  
25 Justiss, of September 2013.

1                   Have you ever seen this document before?

2           A.       Not that I recall, so I don't believe I have.

3           Q.       In September 2013, what was Cindy Meadows'  
4 position with the County?

5           A.       September 2013, I believe she was still the  
6 commissioner.

7           Q.       What was Mark Davis' position?

8           A.       He would've been the county attorney in some  
9 role, perhaps interim or...

10          Q.       What was Wilmer Stafford and Buddy Wright's  
11 positions?

12          A.       They were both Public Works' employees.  
13 Wilmer was either the director at that time or director  
14 soon after. Buddy is the -- I'm not sure exactly what  
15 his title is.

16          Q.       He -- he was an employee?

17          A.       He's a Public Works' employee, but...

18          Q.       Okay. If you go to Page 3, the initial  
19 e-mail from Phillip Justiss, it appears that he is  
20 seeking assistance in having Montigo Avenue North  
21 graded.

22                   I'll give you a moment to get to Page 3.

23          A.       All right. Page 3.

24          Q.       The -- the initial e-mail from Phillip  
25 Justiss?

1 A. Ms. Meadows, I would greatly appreciate?

2 Q. Yes, sir.

3 A. Okay.

4 Q. In the second sentence, he states, The roads  
5 department told us that the road is not a  
6 county-maintained road.

7 Do you have any reason to believe that, as of  
8 August 5, 2013, Montigo Avenue was a county-maintained  
9 road?

10 MR. WARNER: Object to form.

11 A. Do I have any reason to believe it was?

12 BY MR. GORDON:

13 Q. Yes, sir.

14 A. Are -- is there a distinction between Montigo  
15 Avenue North and Montigo Avenue South? Because what I'm  
16 seeing here refers to Montigo Avenue North.

17 Q. I'm -- that's what I'm referring to, Montigo  
18 Avenue North.

19 A. Okay. So your question is, do I have any --

20 Q. Was it ever maintained by the County prior to  
21 2013?

22 A. I'm --

23 Q. Or was it a county-maintained road?

24 A. I don't have any personal knowledge of  
25 either, but I can read what this says.

1 Q. Was South Montigo Avenue ever a  
2 county-maintained road?

3 A. I don't know.

4 Q. Okay. The next e-mail is from William  
5 Stafford responding in which -- Wilmer Stafford, in  
6 which he states, North Montigo is not a  
7 county-maintained road.

8 A. Okay.

9 Q. He states that it -- to his knowledge, it's  
10 only pay to grade. What does that mean, pay to grade?

11 A. There is a policy that the Board of County  
12 Commissioners passed many years ago that allows an  
13 individual to utilize the County grading equipment --  
14 well, the personnel and grading equipment for a fee,  
15 typically, on a one-time basis to come and grade a road  
16 that they would maintain.

17 Q. A private road?

18 A. Yes, sir.

19 Q. Okay. Cindy Meadows responds to the  
20 constituent stating, We are asking our county attorney  
21 to advise on our position. And then there's follow-up  
22 to Mark Davis on what was the disposition of this.

23 Are you aware of any documents in the  
24 County's possession that evidence what would the  
25 disposition of this issue was?

1 A. I don't.

2 THE WITNESS: Before you start another  
3 question, we're going to eat.

4 MR. GORDON: Yep. Take a quick break.

5 VIDEOGRAPHER: Time is currently 1:37 p.m.  
6 And we're off the video record.

7 (Recess)

8 VIDEOGRAPHER: The time is currently  
9 2:08 p.m. And we're back on the video record.

10 (Exhibit 38 was marked for identification)

11 BY MR. GORDON:

12 Q. Mr. Jones, I'm going to show you what I've  
13 marked as Exhibit 38 to your deposition. I'm going to  
14 ask if you're familiar with this document.

15 I'm sorry, are you familiar with this  
16 document?

17 A. No more than that it appears to be a  
18 construction contract for San Juan -- San Juan beach  
19 access parking and walkover enhancements that would have  
20 been presented to the BCC by the Tourist Development  
21 Council.

22 Q. And it appears to be signed by you, correct?

23 A. Yes, sir.

24 Q. And it's dated -- or your signature was  
25 March 4, 2008, right?



1 A. That's what it appears to be, yes, sir.

2 Q. What was the -- had -- had anything been  
3 constructed at this time on the San Juan beach access,  
4 or was this the first construction on that?

5 A. Prior to this?

6 Q. Yes.

7 A. I'm not sure.

8 Q. How would we be able to confirm whether this  
9 is the first work on San Juan or whether there was  
10 something prior to this?

11 A. Again, not sure.

12 Q. Okay.

13 A. I suppose you could search county records,  
14 look at aerial photographs or whatever.

15 Q. At the time that you signed that contract,  
16 were you aware anything the County had done to confirm  
17 whether it had title to that land?

18 A. No, sir.

19 Q. Or any other right to use the land?

20 A. No, sir.

21 Q. Was any investigation done to your knowledge  
22 at that time to confirm the County had the right to  
23 build on that land?

24 A. Not that I recall.

25 Q. So you're not aware of any construction on

1 the San Juan property until at least 2008?

2 MR. WARNER: Object to form.

3 A. That's correct.

4 (Exhibit 39 was marked for identification)

5 BY MR. GORDON:

6 Q. Show you what I've marked as Exhibit 39 to  
7 your deposition. This is dated October 22nd, 2012.

8 It's a Task Order Number 2, related to Santa Clara Phase  
9 II parking improvements at North Montigo and Pelayo.

10 Are you familiar in any way with this?

11 A. I would've been ending my term on the board  
12 about that time, so I -- good chance I saw it back then.

13 Q. Okay. Do you know whether at the time the  
14 County did anything to confirm whether it had title or a  
15 legal right to improve the subject property?

16 A. I don't.

17 Q. This refers to Phase II parking  
18 improvements --

19 MR. GORDON: One second. Let's go off the  
20 record.

21 VIDEOGRAPHER: Time is currently 2:14 p.m.  
22 And we're off the video record.

23 (Recess)

24 VIDEOGRAPHER: Time is currently 2:15 p.m.  
25 And we're back on the video record.

1 BY MR. GORDON:

2 Q. This refers to Santa Clara Phase II parking  
3 improvements. From that, I assume there must have been  
4 a Phase I that had already been completed. Is that  
5 correct?

6 A. That would be -- I would use the same logic.

7 Q. Okay. Do you know when the Phase I or any  
8 improvements were made in the Santa Clara area?

9 A. I don't.

10 Q. And do you know what documents we need to  
11 look at to determine that?

12 A. I don't.

13 Q. Are you aware, in 2018, of attorneys that  
14 represented my clients requesting a lot of record on  
15 land that had not been developed by the County?

16 A. I -- say that again.

17 Q. Are you aware that, in 2018 --

18 A. 2018, okay.

19 Q. -- my clients through their attorneys --

20 A. Okay.

21 Q. -- requested that the County grant a lot of  
22 record for some of this land that had not been  
23 developed? Are you aware of that?

24 A. I'm -- I'm a little confused.

25 So your clients petitioned the County to

1 recognize a parcel within the projects we're talking  
2 about now as a lot of record?

3 Q. Yes.

4 A. I'm not -- I -- if I knew that, I'm not -- I  
5 don't recall it.

6 Q. All right. You're not aware of ever having  
7 had knowledge of that?

8 A. Yeah.

9 Q. Are you aware of any of the communications  
10 from the County related to that?

11 A. I'm not.

12 Q. Do you have any information or have you been  
13 provided any information related to the values of the  
14 properties that are the subject of this lawsuit?

15 A. Other than the offers your clients have made  
16 to settle the case, which I don't know if that has to do  
17 with value of property or just numbers they pulled from  
18 somewhere, but those are only values I have any  
19 indication that are attached to --

20 Q. Okay.

21 A. -- any of these properties.

22 Q. So you've been provided with the various  
23 offers that my clients have provided to the County?

24 A. Of the -- the county attorney's office  
25 provides that, and our counsel provides that information

1 to commissioners in an executive session to which I am a  
2 party of.

3 Q. All right. So you participate in those  
4 executive sessions?

5 A. I'm there. I don't...

6 Q. The one yesterday, you were present for?

7 A. I was.

8 Q. All right. When it comes to purchasing  
9 property, do you ever have any input or did the  
10 commissioner seek your advice or guidance in any way on  
11 that?

12 A. They have, yes, sir.

13 Q. Okay. Have they sought your advice or  
14 guidance in any way related to the offers here to  
15 purchase property?

16 A. No, sir.

17 Q. Have you made any recommendations to any of  
18 the commissioners one way or the other on whether to  
19 purchase the property my clients claim to own?

20 A. No, sir.

21 Q. Have -- have they asked you for such or your  
22 thoughts on this?

23 A. Not that I recall.

24 Q. Have you had any discussion with any  
25 commissioner in any way about this lawsuit?

1           A.     It's possible, but I don't recall any detail  
2 or specifically, you know, the content of the  
3 conversation.

4           Q.     Okay. So you may have, but you just don't  
5 recall what was discussed?

6           A.     Yeah.

7           Q.     Okay. When do you think was the last time  
8 you had such a discussion?

9           A.     Other than the executive session, I don't  
10 recall.

11          Q.     All right. Do you -- the offers that my  
12 clients have made to sell their interest to the  
13 County -- you understand that's what the most recent  
14 offers have included?

15          A.     I understand what was presented yesterday.

16          Q.     Okay. Do you believe that those property --  
17 that that value is less than fair market value for the  
18 properties at issue?

19               MR. WARNER: Object to form.

20          A.     Don't have any knowledge of fair market  
21 values. Property values are pretty high in South  
22 Walton, so...

23 BY MR. GORDON:

24          Q.     Okay. Particularly, for beachfront property,  
25 correct?

1                   That's a yes?

2           A.       That would be logical, yes.

3                   (Exhibit 40 was marked for identification) 40

4 BY MR. GORDON:

5           Q.       I'll show you what's been marked as  
6 Exhibit 40 to your deposition.

7                   (Sotto Voce Discussion)

8 BY MR. GORDON:

9           Q.       There we go. Now, I'm going to hand you  
10 what's been marked as Exhibit 40 to your deposition.

11                   MR. WARNER: Thanks.

12 BY MR. GORDON:

13           Q.       These are some tax records related to Bramble  
14 Grove in the Gulf Shore Manor area.

15                   Are you familiar at all with this property?

16           A.       I don't believe so.

17           Q.       Do -- you agree that it appears that Walton  
18 County has an assessed value on this property of  
19 \$2,280,000 and \$801?

20                   MR. WARNER: Object to form.

21 BY MR. GORDON:

22           Q.       At least as of 2019?

23           A.       I see the assessed value is listed at  
24 \$2,280,801.

25           Q.       Okay. Do you have any reason to think that

1 that's an accurate or inaccurate value for that piece of  
2 property?

3 A. I believe the tax collector is tasked with  
4 the responsibility to assess taxes at a value that's  
5 established by the property appraiser. So assuming  
6 they've complied with state statutes, I would have no  
7 reason to question whether that is accurate or not.

8 Q. Do you think the fair market value might  
9 actually be higher than that amount?

10 A. I have no idea.

11 (Exhibit 41 was marked for identification)

12 BY MR. GORDON:

13 Q. I'm going to show you what's been marked as  
14 Exhibit 41.

15 Have you ever seen this document?

16 A. I don't recall seeing it, no, sir.

17 Q. All right. Are you aware of whether this is  
18 an appraisal that my clients provided to the County as  
19 part of their discussions with the County?

20 A. I'm -- I'm not aware of whether it is or it  
21 is not.

22 Q. Did anyone ever provide you with a copy of  
23 this appraisal?

24 A. Not that I'm aware of.

25 Q. Are you aware whether anyone provided this



1 appraisal to the commissioners?

2 A. I'm not sure. But -- are -- so are -- are  
3 you saying this is an appraisal?

4 Q. It's from Humphrey and Associates.

5 A. Yes, sir.

6 Q. Yes, sir.

7 A. Okay. What does the first line under  
8 Mr. Watson mean when it says, This is a progress report  
9 on the properties identified?

10 Q. Yes. And then he had some values for the  
11 various properties. You've never seen this then?

12 A. I've -- I've never seen it, but it's --

13 Q. Okay.

14 A. -- I don't think it's an appraisal.

15 Q. Okay. And -- but it's -- this document's  
16 never been provided to the County?

17 A. I don't know that it has or not. I've  
18 never -- I don't know --

19 Q. And to your knowledge, it's never been  
20 provided to the county commissioners?

21 A. No, sir.

22 MR. WARNER: Object to form.

23 A. To my knowledge, I've never -- I don't recall  
24 ever seeing it.

25

1 BY MR. GORDON:

2 Q. Are you aware of the relief that my clients  
3 are seeking in this case?

4 A. The relief?

5 Q. Yes.

6 A. I'm aware they are seeking a financial  
7 settlement from the County. Absent to that, I suppose  
8 their relief would be they use the property for what  
9 they want to use it for.

10 Q. Are you aware that part of this case involves  
11 a claim that the County, who's never -- doesn't have  
12 title to the property, doesn't have a written agreement  
13 to use the property, doesn't have an easement to the  
14 property, never sought -- never sought condemnation  
15 proceedings or eminent domain, for which there is no  
16 document whatsoever indicating that the -- the County  
17 has a right to this property signed by the person that  
18 last owned it. Are you aware that, if the Court and a  
19 jury agree that, yes, the County did not go through the  
20 right steps to use this property, whether intentionally  
21 or by accident and it -- it's ultimately determined that  
22 my clients did go through the correct steps to obtain  
23 this property, are you aware that the County may be  
24 required to pay my clients the current fair market value  
25 of all of this property?

1 MR. WARNER: Object to form.

2 A. I'm aware that, if it goes before a jury and  
3 the jury makes a finding along the lines that you've  
4 indicated, I'm not sure what the outcome becomes at that  
5 point.

6 BY MR. GORDON:

7 Q. Are you aware that my client may ask the jury  
8 to require Walton County to pay in excess of \$20 million  
9 to my clients for this property?

10 A. I would suspect your client can ask the jury  
11 to do most anything, including award us more than  
12 \$20 million.

13 Q. All right. So you're aware that there is a  
14 result in this lawsuit where the County ends up having  
15 to pay my clients over \$20 million, correct?

16 MR. WARNER: Object to form.

17 A. No. I'm not -- I'm -- I'm aware that you can  
18 request that. I -- you know, I have no indication that  
19 a jury would award that.

20 BY MR. GORDON:

21 Q. Why not?

22 A. I -- I would be somewhat foolish to speculate  
23 what the jury may or may not award.

24 Q. You don't know whether they'll give me  
25 \$20 million or not give me \$20 million, right?

1 A. That's correct.

2 Q. I mean, it's quite possible. They could --  
3 if I put in the right evidence, you acknowledge that  
4 maybe they could --

5 A. No --

6 Q. -- award \$20 million?

7 A. No, sir, I'm not acknowledging that.

8 MR. WARNER: Object to form.

9 A. That is -- that would be a discretion of a  
10 jury.

11 BY MR. GORDON:

12 Q. Well, it's not their discretion, it's the  
13 evidence I put in. If I put in evidence that this  
14 property --

15 A. It's a -- it's a --

16 Q. Let me finish my question.

17 A. Okay.

18 Q. -- is worth \$20 million and the County has  
19 wrongfully asserted use over it, do you acknowledge that  
20 the jury may award my clients that \$20 million?

21 MR. WARNER: Object to form.

22 A. I've already acknowledged that that would be  
23 in the realm of possibilities of the jury, but it would  
24 be their discretion as to whether your evidence proved  
25 that fact or not. Not your determination of what your

1 evidence proved.

2 BY MR. GORDON:

3 Q. And that's the reason we have trials.

4 A. That's correct.

5 Q. And you're aware that the County's already  
6 tried to have this case dismissed, correct?

7 A. I would -- I don't have a specific recall of  
8 that, but I suspect that, in the course of moving the  
9 case forward, that was something the County would  
10 typically do.

11 Q. And are you aware the Court's already found  
12 that, no, my claims have -- my clients have stated a  
13 valid claim for which they're entitled to proceed?

14 A. I --

15 MR. WARNER: Object to form.

16 BY MR. GORDON:

17 Q. Are you aware the Court denied the County's  
18 motion to dismiss?

19 A. I -- we're -- we're -- we're still in --  
20 we're -- we're still being sued.

21 Q. All right.

22 A. So whatever's happening now has not stayed  
23 that or set it aside.

24 Q. Are you aware that the County sued several  
25 third parties in this case?

1           A.       I'm not sure who all is involved in the case  
2 and who the County sued.

3           Q.       Are you aware that the Court stated that the  
4 Court was inclined to sanction the County and its  
5 attorneys for having sued those third parties?

6           A.       If I am, I don't recall.

7           Q.       Do you feel like that's something your  
8 attorney should have told you?

9           MR. WARNER: Object to form.

10          A.       I think it's, probably more importantly, they  
11 convey it to commissioners than to me.

12 BY MR. GORDON:

13          Q.       Are you aware of any instances in which  
14 Walton County has purchased beachfront property for any  
15 purpose?

16          A.       I'm aware of the TDC on beaches a part of the  
17 County purchasing beachfront property, yes.

18          Q.       The TDC can't go purchase property without  
19 approval from the county commissioners, can they?

20          A.       That's correct.

21          Q.       Okay. So are you aware of the Board of  
22 County Commissioners approving the purchase of  
23 beachfront property?

24          A.       I answered that in the affirmative, yes.

25          Q.       Okay. In what instances are you aware of

1 that having occurred?

2 A. Oh, I have to go back and look. There's been  
3 a number of them over the last few years.

4 Q. Can you just name the most recent that you  
5 recall?

6 A. No, I don't --

7 Q. Can you name any of them that you recall?

8 A. I could take you to a couple of them. I  
9 don't know that I can recall --

10 Q. Take me to the ones you --

11 A. -- how they're referred to.

12 Q. Tell me the ones you do recall. Just  
13 whatever you --

14 A. I've just explained that to you. I don't  
15 have a name to associate with it, but I can, perhaps,  
16 take you and show you where they are.

17 Q. Okay.

18 A. There were -- there were a couple near  
19 Eastern Lake. They're not on the beach.

20 Q. What was paid for those near Eastern Lake?

21 A. I don't know.

22 Q. Are you aware of any purchases where the  
23 Board of County Commissioners has approved any purchase  
24 in excess of \$5 million to acquire that property?

25 A. I would have to go back and look. I don't...

1 Q. You're not aware of any purchase --

2 A. Go ahead.

3 Q. -- where the County in the 30A area, north or  
4 south of 30A along the beach. Are you aware of any  
5 situation where the Board of County Commissioners has  
6 approved the purchase of property in excess of  
7 \$5 million?

8 A. Not that I can put -- I tell you today.

9 Q. So there is such a property. You just don't  
10 know which one?

11 MR. WARNER: Object to form.

12 A. No.

13 BY MR. GORDON:

14 Q. I mean, what can you not tell me today?

15 MR. WARNER: Object to form.

16 A. I've -- I've told you exactly what I can't  
17 tell you. I don't...

18 BY MR. GORDON:

19 Q. Are you aware -- so you're unaware of -- as  
20 you sit here today, of Walton County ever paying more  
21 than \$5 million for a piece of beachfront property along  
22 30A?

23 A. I can't sit here today and tell you which  
24 property were purchased and how much was paid for them.

25 Q. Okay.



1           A.       There may have been some in excess of  
2   5 million, maybe some less than 5 million.  But I --  
3   I --

4           Q.       So -- but you don't know of any in excess of  
5   5 million?

6           A.       For about the fifth time, I -- I don't have  
7   the ability to recall and tell you today we paid  
8   \$5.3 million for this piece of property.

9           Q.       I'm not asking for a specific --

10          A.       Yeah, you are.

11          Q.       -- piece of property.

12          A.       Yes, you are.

13          Q.       I'm not asking for a specific dollar amount.

14          A.       Yes.

15          Q.       I'm just asking, do you recall --

16          A.       And I've answered it.

17          Q.       -- that the County has ever paid more than  
18   \$5 million for any piece of property anywhere in Walton  
19   County?

20          A.       Yes.

21          Q.       Okay.  When?

22          A.       Well, let me back up.

23                    We bought the Golf Garden property not so  
24   many months ago, but I don't remember.  We bought  
25   10 acres for it -- of it, and --

1 Q. You bought 10 acres of the Golf Garden,  
2 correct?

3 A. Yes, sir. I don't remember how much we paid  
4 for it. 3 million, 6 million, maybe.

5 And then --

6 Q. And you don't recall how much was paid for  
7 that?

8 A. It was several million dollars. I -- I don't  
9 remember --

10 Q. Okay.

11 A. -- which side of 5 it was on.

12 Q. Any others?

13 A. I know we bought what is referred to as the  
14 Grayton Grand property several years ago. And it was  
15 not beachfront property, north of 30A, and I think we  
16 paid in the neighborhood of 6 1/2 or \$7 million for it.

17 Q. Do you recall how -- about how many acres?

18 A. Seem like it was 7 or 11 acres or something  
19 like that. I don't really recall.

20 MR. GORDON: Tell you what, give us five  
21 minutes, and we're about done.

22 VIDEOGRAPHER: The time is currently  
23 2:34 p.m. And we're off the video record.

24 (Recess)

25 VIDEOGRAPHER: Time is currently 2:41 p.m.

1 And we're back on the video record.

2 MR. GORDON: Mr. Jones, I appreciate your  
3 time. I know this is not fun, but I don't have any  
4 further questions for you. Thank you very much.

5 THE WITNESS: Thank you.

6 MR. WARNER: I don't have any questions.

7 THE COURT: This concludes the video  
8 deposition of Larry Jones. The time is currently  
9 2:41 p.m. And we're off the video record.

10 (The deposition was concluded at 2:41 p.m.)

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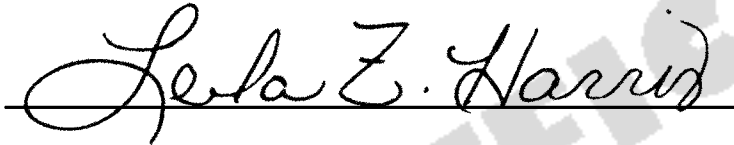
25

CERTIFICATE OF OATH

STATE OF FLORIDA )  
COUNTY OF WALTON )

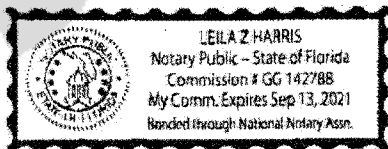
I, the undersigned authority, certify that  
LARRY JONES personally appeared before me and was duly  
sworn on 12th of August, 2020.

WITNESS my hand and official seal this 31st of  
August, 2020.



Leila Z. Harris, Stenographic Court Reporter

Notary Public - State of Florida  
Commission No: GG 142788  
My Commission Expires: September 13, 2021



CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF WALTON )

I, Leila Z. Harris, LCR, Stenographic Court Reporter, certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record of the testimony given by the witness; that the witness did not waive reading and signing.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in this action.

  
\_\_\_\_\_  
Leila Z. Harris, LCR  
Stenographic Court Reporter

1 Please attach to the 8/12/20 deposition of LARRY JONES  
2 in the case of BEACH LIFE LAND TRUST ET AL vs. WALTON  
COUNTY.

3 INSTRUCTIONS: Please read the transcript of your  
4 deposition and make note on this page of any changes.  
5 Do not mark on the transcript itself. Please sign and  
date this sheet.

ERRATA SHEET

6	PAGE	LINE	ERROR OR AMENDMENT	REASON
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20 Under penalties of perjury, I declare that I have read  
21 my deposition and that it is true and correct subject to  
22 any changes in form or substance entered here.

23 \_\_\_\_\_  
24 DATE

\_\_\_\_\_  
LARRY JONES

25 Reporter LZH

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