

IN THE CIRCUIT COURT IN AND FOR WALTON COUNTY, FLORIDA

MICHAEL W. WALKER, et al,

Plaintiffs,

vs.

TERRY THOMAS SCHANSMAN, et al,

Defendants.

CASE NO.: 93-0857-CA

FILED AND RECORDED  
DATE 09/15/94 TIME 08:29

FL 490850 B 1183 P 165  
CO:WALTON ST:FL

CATHERINE KING CLERK  
CO:WALTON ST:FL

**FINAL JUDGMENT**

The parties having stipulated to entry of this Final Judgment and the Court finding after hearing and argument of counsel for the parties that the judgment is consistent with the law and facts and in the best interest of the parties, it is

ORDERED, ADJUDGED AND DECREED that:

1. As to Count I of the Complaint, the plaintiffs, more particularly described on **Exhibit 1** hereto, their heirs at law, beneficiaries, personal representatives, successors in title and assigns, hereafter "plaintiffs," own a perpetual, nonexclusive right of use for the purposes of normal and customary recreational use of a beach, including but not limited to such uses as walking over and across, sunbathing, picnicking, swimming and kite flying, in and to the following described property owned by the defendants<sup>1</sup>, hereinafter referred to as "beach":

**SEE EXHIBIT "A"**

<sup>1</sup>The defendants each own separate lots in Sea Walk Subdivision more particularly described on **Exhibit 2** hereto.

However, defendants, or any of them, their heirs at law, beneficiaries, personal representatives, successors in title and assigns, hereafter "defendants," may construct a "dune walkover(s)" and related structures as permitted by the Florida Department of Natural Resources on the beach to enable the defendants, or any of them, access to and from the remainder of defendants' property more particularly described hereafter and referred to as "remaining property" to the beach so long as the construction of such improvements is in accordance with the requirements and restrictions imposed by the Florida Department of Natural Resources and other applicable law. The number of dune walkovers which defendants may construct shall be restricted to one dune walkover for Block A and one dune walkover for Block B, Sea Walk Subdivision, Walton County, Florida, according to plat recorded in Plat Book 9, page 3, of the public records of Walton County, Florida, hereafter "Sea Walk Subdivision." The location of the dune walkover for Block A, Sea Walk Subdivision, shall be in the sole discretion of the defendants who own lots in Block A. The location of the dune walkover for Block B, Sea Walk Subdivision, shall be in the sole discretion of the defendants who own lots in Block B. No walkover allowed under this judgment shall exceed in length a distance of 166.8 southward from the Department of Natural Resources Coastal Construction Control Line as it exists on the date of this judgment.

The plaintiffs do not have any rights whatsoever in and to the "remaining property" or any dune walkover constructed pursuant to the preceding paragraph, the remaining property being more particularly described as follows:

**SEE EXHIBIT "B"**

However, the following restrictions shall apply to the remaining property:

(a) Defendants shall not construct any fence south of the Department of Natural Resource Coastal Construction Control Line as it exists on the date of this judgment. Any fences constructed by the defendants on the remaining property north of the Department of Natural Resources Coastal Construction Control Line as it exists on the date of this judgment shall not exceed four feet (4') in height.

(b) Defendants shall not disturb, cut, remove or otherwise alter the vegetation presently growing on that part of the remaining property lying south of the Department of Natural Resources Coastal Construction Control Line as it exists on the date of this judgment, hereafter referred to as "bramble property," however, defendants may do the following:

(1) Trim the vegetation on the bramble property if the vegetation grows to the point that it impairs defendants' view of the beach and Gulf of Mexico;

(2) Maintain, plant or replant vegetation on the  
bramble property; and

(3) Clear a walking path from the part of their  
respective lot(s) in Sea Walk Subdivision lying north of the  
Department of Natural Resources Coastal Construction Control Line  
as it exists on the date of this judgment across the bramble  
property to the beach for the purpose of access of the defendants  
to and from the beach provided, however, that such path shall not  
meander except to the extent necessary to minimize the removal of  
vegetation in clearing such path and further, such path(s) shall  
not exceed approximately three feet (3') in width. Each defendant  
may clear an additional path no wider than approximately three feet  
(3') said path extending from the part of each defendant's lot in  
Sea Walk Subdivision north of the Department of Natural Resources  
Coastal Construction Control Line as it exists on the date of this  
judgment to any dune walkover which may be constructed in the block  
where their lot is located in Sea Walk Subdivision, pursuant to the  
terms of this Final Judgment.

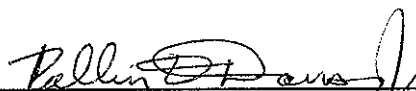
2. As to Count II of the Complaint, judgment is entered for  
the defendants and the plaintiffs shall go hence without day.

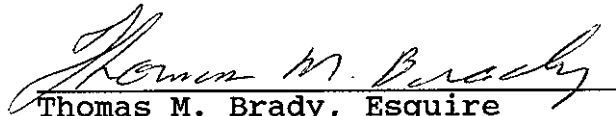
3. Plaintiffs do not have any rights, title or interests whatsoever in and to Lot 10, Block A or Lot 4, Block B, Sea Walk Subdivision.


DONE AND ORDERED this 7<sup>th</sup> day of Sept., 1994.

  
THOMAS REMINGTON  
CIRCUIT COURT JUDGE

STIPULATED TO TERMS AND CONDITIONS OF FINAL JUDGMENT:

  
Rollin D. Davis, Jr., Esquire  
SHELL, FLEMING, DAVIS & MENGE  
226 South Palafox Street  
P.O. Box 1831  
Pensacola, Florida 32598-1831  
(904) 434-2411  
Florida Bar No.: 18453  
**ATTORNEY FOR ALL PLAINTIFFS IN  
CASE NUMBER: 93-0857-CA  
SEE EXHIBIT 1 FOR COMPLETE LIST**

  
Thomas M. Brady, Esquire  
WELLS, BROWN & BRADY  
601 South Palafox Street  
Post Office Box 12584  
Pensacola, Florida 32573  
(904) 432-7646  
Florida Bar No.: 154819  
**ATTORNEY FOR DEFENDANT  
TERRY THOMAS SCHANSMAN**

  
WILLIAM E. BOND, JR.  
Clark, Partington, Hart, Larry,  
Bond, Stackhouse & Stone  
Suite 800, 125 W. Romana Street  
P. O. Box 13010  
Pensacola, Florida 32591-3010  
(904) 434-9200  
Florida Bar No. 228461  
**ATTORNEY FOR DEFENDANTS  
FRANCIS D. BUGG, JR. and  
JOANN BUGG; JOHN P. MILLER;  
ALBERT L. GREEN; WAYNE D.  
MITCHELL and LISA G. MITCHELL  
T. ALLEN FREIBERG and DEBRA  
FREIBERG and JOHN D. BERTRAND**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Judgment has been provided to the attorney for the

plaintiffs: **Rollin D. Davis, Jr., Esquire**, Post Office Box 1831, Pensacola, Florida 32598-1831; and to the attorneys for the defendants: **Thomas M. Brady, Esquire**, Post Office Box 12584, Pensacola, Florida 32573 and **William E. Bond, Jr., Esquire**, Post Office Box 13010, Pensacola, Florida 32591-3010, by regular U.S. Mail, postage prepaid, this 7th day of Sept., 1994.

Louise Pizzu  
Clerk

MICHAEL W. WALKER, et al. vs.  
THOMAS TERRY SCHANSMAN, et al.  
CASE NO.: 93-0857-CA

FL 490850 B 1183 P 171  
CO:WALTON ST:FL

EXHIBIT "A"

Commencing at the Northwest corner of Lot 9, Block A, Sea Walk Subdivision, Walton County, Florida, according to plat recorded in Plat Book 9, page 3 of the public records of Walton County, Florida, go South 02°41'55" West along the West line of said Block A, for a distance of 128.86 feet to the Point of Beginning; thence departing said West line of Block A, go South 73°29'20" East for a distance of 226.55 feet to the intersection with the East line of Block A; thence go South 02°41'55" West along the East line of Block A for a distance of 259 feet, more or less, to the approximate mean high water line of the Gulf of Mexico; thence departing said East line, meander northwesterly along said water line for a distance of 234 feet, more or less, to the intersection with the aforementioned West line of Block A; thence departing said water line, go North 02°41'55" East along said West line of Block A for a distance of 245 feet, more or less, to the Point of Beginning; the herein described parcel contains 1.27 acres, more or less, all lying and being within Block A, Sea Walk Subdivision, in Section 23, Township 3 South, Range 19 West, Walton County, Florida.

Commencing at the Northwest corner of Lot 1, Block B, Sea Walk Subdivision, Walton County, Florida, according to plat recorded in Plat Book 9, page 3 of the public records of Walton County, Florida, go South 27°06'55" West along the West line of Block B, for a distance of 125.97 feet; thence go South 02°41'55" West for a distance of 83.57 feet to the Point of Beginning; thence departing said West line of Block B, go South 77°30'50" East for a distance of 162.36 feet to the intersection with the East line of said Block B, Sea Walk Subdivision; thence go South 02°41'55" West along the East line of said Block B, for a distance of 272 feet, more or less, to the approximate mean high water line of the Gulf of Mexico; thence departing said East line of Block B; meander Northwesterly along said water line for a distance of 174 feet, more or less, to the intersection with the West line of said Block B, Sea Walk Subdivision; thence go North 02°41'55" East along said West line of Block B for a distance of 234 feet, more or less, to the Point of Beginning; the herein described parcel contains 0.93 acre, all lying and being within Block B, Sea Walk Subdivision, in Section 23, Township 3 South, Range 19 West, Walton County, Florida.

MICHAEL W. WALKER, et al. vs.  
THOMAS TERRY SCHANSMAN, et al.  
CASE NO.: 93-0857-CA

FL 490850 B 1183 P 172  
CO:WALTON ST:FL

**EXHIBIT "B"**

Block A, Sea Walk Subdivision, Walton County, Florida according to plat recorded in Plat Book 9, page 3, of the public records of Walton County, Florida, less and except the following described property:

Commencing at the Northwest corner of Lot 9, Block A, Sea Walk Subdivision, go South 02°41'55" West along the West line of said Block A, for a distance of 128.86 feet to the Point of Beginning; thence departing said West line of Block A, go South 73°29'20" East for a distance of 226.55 feet to the intersection with the East line of Block A; thence go South 02°41'55" West along the East line of Block A for a distance of 259 feet, more or less, to the approximate mean high water line of the Gulf of Mexico; thence departing said East line, meander northwesterly along said water line for a distance of 234 feet, more or less, to the intersection with the aforementioned West line of Block A; thence departing said water line, go North 02°41'55" East along said West line of Block A for a distance of 245 feet, more or less, to the Point of Beginning; the herein described parcel contains 1.27 acres, more or less, all lying and being within Block A, Sea Walk Subdivision, in Section 23, Township 3 South, Range 19 West, Walton County, Florida.

and

Block B, Sea Walk Subdivision, Walton County, Florida according to plat recorded in Plat Book 9, page 3, of the public records of Walton County, Florida, less and except the following described property:

Commencing at the Northwest corner of Lot 1, Block B, Sea Walk Subdivision, go South 27°06'55" West along the West line of Block B, for a distance of 125.97 feet; thence go South 02°41'55" West for a distance of 83.57 feet to the Point of Beginning; thence departing said West line of Block B, go South 77°30'50" East for a distance of 162.36 feet to the intersection with the East line of said Block B, Sea Walk Subdivision; thence go South 02°41'55" West along the East line of said Block B, for a distance of 272 feet, more or less, to the approximate mean high water line of the Gulf of Mexico; thence departing said East line of Block B; meander Northwesterly along said water line for a distance of 174 feet, more or less, to the intersection with the West line of said Block B, Sea Walk Subdivision; thence go North 02°41'55" East along said West line of Block B for a distance of 234 feet, more or less, to the Point of Beginning; the herein described parcel contains 0.93 acre, all lying and being within Block B, Sea Walk Subdivision, in Section 23, Township 3 South, Range 19 West, Walton County, Florida.



EXHIBIT I - NAMES OF PLAINTIFFS  
IN CASE NO. 93-0857-CA  
OF THE CIRCUIT COURT OF WALTON COUNTY, FLORIDA,  
TOGETHER WITH LOTS IN GULF BEACH MANOR OWNED BY THEM

NAMES AND ADDRESSES

LOTS OWNED IN  
GULF SHORE MANOR

William D. Anderson and Lodena E. Anderson  
Rte 4, Box 184-B  
Rockwood, TN 37854

Lot 4, Block 17

Barnett Banks Trust Company, N.A.  
and Virginia Harwell Reagan, as  
Trustees under trust imposed in  
warranty deed dated 2/7/92 and  
recorded in Official Record Book  
827 at page 124 of the public  
records of Walton County, Florida.  
5055 Bayou Blvd., Pensacola, FL 32503  
(Lot was sold by the above original  
parties plaintiff and this judgment shall  
inure to their successor in title)

Lot 20, Block 17

Mary Battaglia  
c/o Michael Battaglia  
P. O. Box 1924  
Santa Rosa Beach, FL 32549

Lots 7 and 8,  
Block 11

Jerry C. Bonham and Charlotte T.  
Bonham, also known as Charlotte  
E. T. Bonham  
Rte 6, Box 392  
Jasper, AL 35501

Lots 6 and 7,  
Block 13

R. Brentwood Bryan  
6 Neptune Court, N.W.  
Fort Walton Beach, FL 32548

Lots 10 thru 19,  
inclusive, Blk 12

Charles R. Carlson and Mary J.  
Carlson  
Rte 2, Box 5943  
Santa Rosa Beach, FL 32459

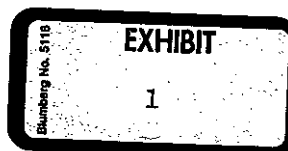
Lots 5, 6, 7,  
Block 5

Cathy A. Catoe  
Rte 7, Box 235  
Andalusia, AL 36420

Lot 17, Block 11

Willie L. Cole, III,  
and Dyanne B. Cole  
4035 Fairground Road  
Montgomery, AL 36110

Lot 4, Block 11



Thomas E. Davidson and  
Virginia Davidson  
P. O. Box 292  
Byron, GA 31008

Lot 5, Block 11

Earl F. Day  
Rte 2, Box 5025  
Seagrove Beach, FL 32459

Lots 16 and 17,  
Block 17, and  
that part of  
Lot 5, Blk 17,  
lying North of  
State Road 30-A

Burl H. Dixon and Mary A. Dixon  
1020 Forrest Avenue  
East Brewton, AL 36426

Lot 21, Blk 11

James D. Estes and Suzy Estes  
#7 Brown Avenue  
Daleville, AL 36322

Lot 1, Block 18

Kevin Fralish  
Rte 2, Box 286  
Ariton, AL 36311

Lot 1, Block 14

Rande L. Gardiner and  
Judy S. Gardiner  
4313 Appleton Way  
Bakersfield, CA 93311

A long description of  
portions of Lots 12 and 13,  
Block 13 and Lots 1 and 9  
of Block 20, and a vacated  
portion of Willow Street,  
which property is described  
in Deed recorded in O.R.  
Book 124 at page 490.

Maurice D. Gilbert and  
Kathleen F. Gilbert  
240 Carriage Chase  
Fayetteville, GA 30214

Lot 12, Block 14

Luther R. Gordon and  
Joyce D. Gordon  
P. O. Box 1293  
Byron, GA 31008

Lot 6, Block 11

Doyle Green and Mamie A. Green  
P. O. Box 276  
Marianna, FL 32446

Lots 10 and 11, Block 13

Mike Kresbach  
Realty South of America  
304 N. Meridian St., 2nd Floor  
Tallahassee, FL 32301

Lots 1, 2, 4 through 18,  
inclusive, and 20 thru  
24, inclusive, Block 15

G. Truitt Luckie, Jr.  
1705 Columbiana Lane  
Birmingham, AL 35216

Lot 13, Block 10

F. Wayne Malloy and Jo Anne Malloy  
P. O. Box 168  
Marianna, FL 32447

Lot 19, Block 14

F. Wayne Malloy, d/b/a Malloy Farms  
P. O. Box 168  
Marianna, FL 32447

Lot 17, Block 14

Tina P. Neathammer, formerly  
Tina P. Luckie  
5132 Jameswood Drive  
Birmingham, AL 35244

Lot 14, Block 10

T. Blair Nowlin  
8280 Phillips Place  
Englewood, CO 80112

The East 85 feet of Lot  
12, Block 13, the East 85  
feet of Lots 1 and 2, Block  
20 and the East 85 feet of  
the vacated 270 feet of  
Willow Street.

Richard A. Pollock and  
Nancy H. Pollock  
Rte 3, Box 14  
Forsyth, GA 31029

Lots 2 and 3, Block 18

Linda M. Ramirez  
822 Danton Lane  
Birmingham, AL 35210

Lot 24, and the North 1/2  
of Lot 23, Block 11

Carl E. Reese, Jr.  
3231 McGehee Rd.  
Montgomery, AL 36111

Lot 18, Block 6

Lucy S. Russ  
P. O. Box 841  
Marianna, FL 32446

Lot 8, Block 13

Sam L. Sims also known as Sam L. Sims, Jr. and Edna C. Sims RR 1, Box N707 DeFuniak Springs, FL 32433-9715	Lots 11 and 12, Block 5
Steven A. Slicis, also known as Steve Slicis and Lillian M. Slicis P. O. Box 4875 Santa Rosa Beach, FL 32459	Lot 15, Block 13
Thomas J. Smart, also known as T. J. Smart P. O. Box 4678, Seaside Santa Rosa, FL 32549	Lots 16, 17, 18, Block 1; Lots 11, 12, 19, and 20, Block 3; Lots 1, 2, 3, and 11 thru 20, inclu- sive, Block 4; Lots 1, 2, and 13 thru 24, inclusive, Blk 5; Lots 11, 12, Block 8; Lots 11 and 20 of Block 11; Lots 1 thru 9, inclusive, and 20 thru 24, inclusive, Block 12;
Stanford Clark Steadman and Jeanne Steadman P. O. Box 769 Huntsville, AL 35804	Lots 17 and 18, Block 13
James M. Strong, also known as James M. Strong, III and Nancy M. Strong 314 Janice Street Prattfield, AL 36066	Lot 15, Block 10
Perry H. Stubblefield and Betty N. Stubblefield 385 Dennison Heights Batesville, AR 72501	Lots 13 and 14, Block 6
Joseph C. Tullos and Catherine C. Tullos 1005 Madewood Road La Place, LA 70068	Lot 9, Block 19
Michael W. Walker P. O. Box 5213 Destin, FL 32541	Lot 10, Block 11

**List of Defendants**

FL 490850 B 1183 P 177  
CO:WALTON ST:FL

**Mr. Terry Thomas Schansman** Lot 1, Block B,  
5717 Thomas Drive, #165 Sea Walk Subdivision  
Panama City Beach, Florida 32401

**Mr. Albert L. Green** Lot 6, Block A  
c/o Al Green Music, Inc. Sea Walk Subdivision  
P. O. Box 456  
Millington, Tennessee 38083-0456

**Mr. Francis D. Bugg and** Lot 2, Block B  
**Mrs. JoAnn Bugg** Sea Walk Subdivision  
3762 Frederica Road  
DeLuth, Georgia 30136

**Dr. John P. Miller** Lot 3, Block B,  
45184 Country Club Road Sea Walk Subdivision  
Hammond, Louisiana 70401-8915

**Mr. Wayne D. Mitchell and** Lot 7, Block A,  
**Mrs. Lisa G. Mitchell** Sea Walk Subdivision  
6206 Heather Drive  
Memphis, Tennessee 38119

**Dr. T. Allan Freiberg and** Lot 8, Block A,  
**Mrs. Debra Freiberg** Sea Walk Subdivision  
2921 David Drive  
Metaire, Louisiana 70003

**Dr. John D. Bertrand and** Lot 9, Block A,  
**Ms. Jana R. Bertrand** Sea Walk Subdivision  
3020 McFarlin  
Dallas, Texas 75205

