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IN THE CIRCUIT COURT OF WALTON COUNTY, FLORIDA

HAROLD L. FOSHEE,
Plaintiff,

vs.
WARRINGTON OIL CORP., et al.,
Defendants.

CIVIL ACTION NO.: 85-006
CLASS REPRESENTATION

FILED

NOV 18 1986

CATHERINE KING
CLERK CIRCUIT COURT
WALTON CO., FLORIDA

FINAL JUDGMENT

This action came on for final hearing. It appearing that pursuant to the Order Determining Class Action Is Maintainable of this Court dated May 13, 1986, Plaintiff caused to be published in the DeFuniak Herald, a newspaper authorized to publish legal advertisements, a Notice of Class Representation and Notice of Final Hearing to each person shown as an owner of lots in Gulf Shore Manor according to the most current tax roll of Walton County, Florida, and it further appearing that Notice of Final Hearing has been furnished to all persons appearing in this cause, and the Court having considered the pleadings filed herein, the evidence presented, and the stipulation between Plaintiff and counsel for some of the Defendants, those Defendants realistically contesting this action, and the Court being otherwise fully advised, and having determined that Plaintiff is entitled to the relief prayed for in the Complaint, but only if the easement mentioned in Paragraph 3 as so stipulated is made a part of this Final Judgment, it is

ADJUDGED THAT:

1. The Court has jurisdiction of the subject matter of this cause and all parties hereto, including the class through the representatives of the class.
2. All Motions not ruled on heretofore are denied.
3. The title of Plaintiff, HAROLD L. FOSHEE, to the following described real property located in Walton County, Florida:

The land lying Southerly of Block 17, Gulf Shore Manor, according to the plat of that subdivision recorded in Deed Book 63 at Page 603 of the public records of Walton County, Florida (a copy of which is also

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recorded in Plat Book 3 at Page 28 of the public records of said County), extending to the mean high water mark of the Gulf of Mexico, bounded on the West by a Southerly extension to said mean high water mark of the Westerly line of Lot 13 of said Block 17, and bounded on the East by a Southerly extension to said mean high water mark of the Easterly line of Lot 9 of said Block 17.

is a good and valid title against the claims or purported claims of all Defendants hereto and all parties claiming by, through, or against them; and that all claims or purported claims of each and every Defendant hereto are hereby cancelled and the title to the property is forever quieted in Plaintiff, SUBJECT, however, to the easement described in the next paragraph.

4. Regardless of any provision contained above or in any other portion of this Final Judgment, because of a stipulation of Plaintiff in settlement with some of the Defendants in this cause, there is granted to each and every owner of all or any portion of any lot in Gulf Shore Manor, according to the plat of that subdivision recorded in Deed Book 63 at Page 603 of the public records of Walton County, Florida, and another copy of which is also recorded in Plat Book 3 at Page 28 of the public records of said County, a perpetual non-exclusive easement to be held and used by and with all others having a similar right for purposes of walking over and across, sunbathing, picnicing, bathing and swimming, and any other like recreational use, in and to the following described portion of the property subject to this action:

Commence at an iron rod at the Southeast corner of Block 16, Gulf Shore Manor Subdivision, as recorded in Plat Book 3 at Page 28 of the public records of Walton County, Florida; thence go South 2 degrees 23 minutes West along the West right-of-way line of Pelayo Avenue (30' R/W) a distance of 522.79 feet to the Southerly right-of-way line of State Road 30-A (70' R/W); thence go North 71 degrees 00 minutes West along the aforesaid Southerly right-of-way line a distance of 268.63 feet; thence go South 01 degrees 53 minutes West along the Westerly lines of Lot 14 and Lot 13 and an extension of those lines a distance of 375.17 feet to a point to be hereafter described as "Point A"; thence continue along the line last traversed a distance of 224 feet, more or less, to the mean high water line of the Gulf of Mexico and the Point of Beginning of this description; thence retrace line last

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run a distance of 224 feet, more or less, to Point A; thence Easterly to a point on the Southerly extension of the East line of Lot 9 of said Block 17 located 379.9 feet South of the Southerly right-of-way line of said State Road 30-A; thence run South 02 degrees 23 minutes 00 seconds West along an extension of the Easterly lot line of Lot 9 of said Block 17 a distance of 231 feet, more or less, to the approximate mean high water line of the Gulf of Mexico; thence meander Westerly along the mean high water line of the Gulf of Mexico to the Point of Beginning of this description.

5. The guardian ad litem, attorney ad litem, and administrator ad litem appointed herein has faithfully exercised his duties in those capacities, and Plaintiff is ordered to pay him a reasonable attorney's fee hereby taxed at \$150⁰⁰. Plaintiff shall also pay all other costs of this proceeding.

ORDERED AT DeFuniak Springs, Walton County, Florida, on this 14th day of November, 1986.


CIRCUIT JUDGE

Conformed copies
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