

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR SUMTER COUNTY, FLORIDA

SUMTER COUNTY, FLORIDA,

Petitioner,

CASE NO. : 2009-CA-000466

vs.

PARCEL NOS.: 100 & 101

**OXFORD LAND HOLDINGS, INC.,
a Florida corporation d.b.a OXFORD
OUTDOOR ADVERTISING, et al.,**

Respondent.

_____ /

MEDIATED SETTLEMENT AGREEMENT

This Mediated Settlement Agreement has been entered into between Petitioner, SUMTER COUNTY, FLORIDA, hereinafter referred to as Petitioner, and OXFORD LAND HOLDINGS, INC., D/B/A OXFORD OUTDOOR ADVERTISING, and any assigns or successors, hereinafter referred to as Respondent, with regard to **PARCELS 100 AND 101**, at a mediation conference held on the 3rd day of December, 2009, with the parties agreeing to the following:

1. Petitioner will pay to Respondent compensation in the amount of \$116,075.00 to fully and finally settle any and all claims for compensation in this

matter for the acquisition of Parcels 100 and 101, including all claims by Respondent for land and improvements taken, severance damages, business or special damages, all leasehold interests, relocation entitlements and interest, excluding expert fees and costs. Statutory attorney's fees and costs in the amount of \$19,758.75 shall also be paid by the Petitioner. Fees, costs and expenses related to Parcels 100 and 101, for all of Respondent's experts, shall be determined at a subsequent date. Counsel for the Respondents waives any claim for additional attorney's fees related to any non-monetary benefit obtained for the Respondent. The settlement amount agreed upon by the parties is subject to apportionment claims, if any.

This mediated settlement agreement is subject to the following conditions:

- (A) Respondent shall have 45 days to seek approval from The Villages of Lake-Sumter, Inc. to relocate the outdoor advertising signs acquired by Sumter County.
- (B) Within that same 45 day period, the Respondent shall apply for and obtain necessary permits required for the construction of the relocated outdoor advertising signs.
- (C) If the above two conditions cannot be accomplished within the 45 day period, or no later than January 19, 2010, this Mediated Settlement Agreement shall be deemed void and of no force and effect, and the parties shall return to the position held as of the date of this Agreement.

2. Petitioner shall receive credit for the sum of \$110,900.00 previously deposited in this cause, and received by Respondent for Parcels 100 and 101.

3. Petitioner shall pay the total balance due for Parcels 100 and 101, in the amount of \$5,175.00, by deposit into the registry of the Court, within 30 days after receipt by the Petitioner of a conformed copy of the Stipulated Final Judgment rendered by the Court, and referred to below. Petitioner shall pay the amount due as statutory attorney's fees directly to counsel for the Respondent within 30 days of receipt by the Petitioner of a conformed copy of the Stipulated Final Judgment.

4. This Mediated Settlement Agreement, and any Final Judgment, is subject to review and approval by the Sumter County Board of County Commissioners. Petitioner shall submit this Mediated Settlement Agreement to the County Commission for review and approval prior to January 19, 2010.

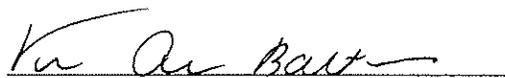
5. Petitioner will seek approval from the Board of County Commissioners of a Stipulated Final Judgment by no later than February 9, 2010. Petitioner and Respondent will submit a motion for entry of the Stipulated Final Judgment to the court within 7 days of approval by the Board of County Commissioners.

6. The parties agree that Petitioner may prepare an updated appraisal report for trial no later than January 30, 2010, regardless of the conditions referred to in paragraph 1 of this Mediated Settlement Agreement.

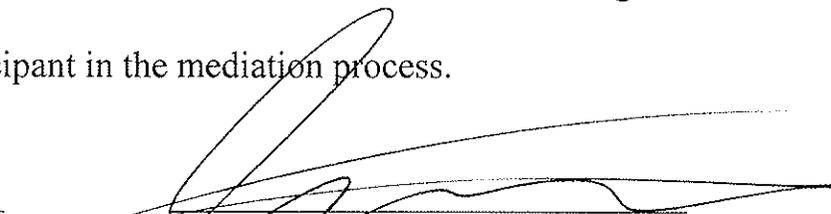
7. The Court shall retain jurisdiction in this matter to enforce this Mediated Settlement Agreement, the Stipulated Final Judgment, and to conduct any supplemental proceedings.

7. This Mediated Settlement Agreement contains all of the agreements of the parties and every part of every agreement. No oral agreement, statement of representation is binding unless contained within this Mediated Settlement Agreement. This Mediated Settlement Agreement is based upon the Petitioner's plans, specifications and right of way maps existing as of the date of the Order of Taking.

8. The parties, their representatives, and counsel for the parties, have reviewed and understand the terms of this Mediated Settlement Agreement and have voluntarily determined to enter into this Mediated Settlement Agreement without compulsion by any participant in the mediation process.



VIVIAN AREAS-BATTLES, ESQ.
Florida Bar No. 606261
DAVID M. CALDEVILLA, ESQ.
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, Florida 33601-2350
Telephone: (813)229-2775
COUNSEL FOR PETITIONER



JOSEPH M. HANRATTY, ESQ.
Florida Bar No.949760
Forman Hanratty & Montgomery
723 E. Ft. King Street
Ocala, Florida 34471
Telephone: (352) 732-3915
COUNSEL FOR RESPONDENT



Sumter County / Representative

Name: BRADLEY ARNOLD

Position: COUNTY ADMINISTRATOR
(Please Print Name & Position)



Client / Client Representative

Name: Jerry Diggers

Position: Resident
(Please Print Name & Position)

Sumter County / Representative

Name: _____

Position: _____

(Please Print Name & Position)

Client / Client Representative

Name: _____

Position: _____

(Please Print Name & Position)



ALAN E. DESERIO, ESQ.

Certified Circuit Court Mediator

Post Office Box 1485

Brandon, Fl. 33509-1485

Telephone: (813) 335-2241

E-mail: adeserio@verizon.net

Dated: **December 3, 2009**

de la Parte & Gilbert, P.A.

ATTORNEYS AT LAW

Vivian Arenas-Battles
Michael R. Bray
David M. Caldevilla
Edward P. de la Parte, Jr.
Richard A. Gilbert
Daniel J. McBreen

Patrick J. McNamara
Eric D. Nowak
Nicolas Q. Porter
Kristin Y. Melton
Louis A. de la Parte, Jr.
Founder (1929-2008)

December 2, 2009



CONFIDENTIAL – Attorney/Client Communications; Attorney Work Product

By Facsimile (352) 793-0207 and U.S. Mail

Mr. Brad Arnold
County Administrator
910 N. Main Street
Suite 201
Bushnell, FL 33513

By Facsimile (352) 793-0247 and U.S. Mail

Mr. Gary Kuhl
Director, Sumter County Public Works
319 E. Anderson Avenue
Bushnell, FL 33513

By Facsimile (352) 748-0823 and U.S. Mail

Robert Farner, PE
Farner Barley and Associates, Inc.
4450 NE 83rd Road
Wildwood, FL 34785

By Facsimile (904) 282-1503 and U.S. Mail

Mr. William R. Weigel, III, MAI
Weigel & Veasey Appraisers, Inc.
2809 Blanding Boulevard
Middleburg, Florida 32068

By U.S. Mail Only

Howe Moody
P.O. Box 1073
Bellevue, FL 34421

Re: *Sumter County CR 466-A Project*
Oxford Outdoor Advertising – SECOND AMENDED TRIAL ORDER

Gentlemen:

Please be advised that we have just received a Second Amended Uniform Order of Referral to Mediation, Setting Cause for Trial and Pre-Trial, and Determining Discovery Cut-Off Dates entered by Judge Hallman on November 30, 2009 due to a conflict on the Court's own calendar. Accordingly, the Court has re-set this case for a five-day jury trial beginning **March 15, 2010**. A copy of the Order is enclosed for your information.

Copy To:
Comms _____ Pub Wks Div _____
Co Atty _____ Bldg & Dev Div _____
Co Fin _____ Admin Div _____
Other _____ Com Svcs Div _____

Mr. Brad Arnold
Mr. Gary Kuhl
Mr. Bob Farner
Mr. William Weigel
Mr. Howe Moody
December 2, 2009
Page 2

Please set aside time on your calendars for the trial since you may be called upon or asked to testify in this case. Also, please note the following deadlines in the Order regarding reports and exhibits:

March 5, 2010 – Exhibits Lists are due to the Court**

A list of your exhibits is due in our office by **February 19, 2010

March 1, 2010 – Copies of exhibits are to be provided to opposing counsel***

***Exhibits are due in our office by **February 19, 2010**

Rick, please plan on providing your reports, exhibits and lists to our firm five (5) days before the date due unless you hear otherwise from us. I will provide you with periodic updates on the status of Oxford's reports.

If you have any questions or comments, please call me.

Sincerely,

de la PARTE & GILBERT, P.A.



Vivian Arenas-Battles

VAB/sll
Enclosure

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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA

SUMTER COUNTY, FLORIDA ,

CASE NO. 2009-CA-000466

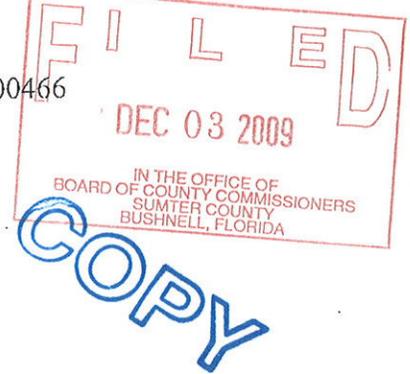
Petitioner,

Parcel: 100 and 101

vs.

OXFORD LAND HOLDINGS, INC.,
A Florida Corporation d/b/a OXFORD
OUTDOOR ADVERTISING,

Respondent.



**SECOND AMENDED
UNIFORM ORDER
OF REFERRAL TO MEDIATION, SETTING CAUSE FOR TRIAL AND PRE-TRIAL,
AND DETERMINING DISCOVERY CUT-OFF DATES
(JURY TRIAL)**

Note: Trial date is amended and re-scheduled for March 15, 2010, and the requirement for parties to personally appear at the Pre-Trial Conference is amended; see paragraph 8. Also, Discovery dates are amended as follows.

Re-scheduling of judicial conferences and other unforeseen circumstances have arisen that require some re-arranging of the Court's Civil Calendar for 2010; therefore, The UNIFORM ORDER OF REFERRAL TO MEDIATION, SETTING CAUSE FOR TRIAL AND PRE-TRIAL, AND DETERMINING DISCOVERY CUT-OFF DATES (JURY TRIAL) previously entered herein is amended as follows:

Based on the Case Management Conference of September 29, 2009, the telephonic status of conference of September 30, 2009, with this case being at issue and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED as follows:

MEDIATION:

1. This case is referred to mediation pursuant to Fla. Stat. Chapter 44 and Fla. R. Civ. P. 1.740. The parties may agree upon a mediator. If the parties cannot agree within ten days of the date of this order, the parties shall notify this Court and this Court will appoint one.

2. A mediation conference shall be held no later than ninety (90) days following the

Copy To:

Comms _____ Pub Wks Div _____
Co Atty _____ Bldg & Dev Div _____
Co Fin _____ Admin Div _____
Other _____ Com Svcs Div _____

Case Management Conference, no later than **DECEMBER 29, 2009**.

3. The general rules governing said Mediation Conference shall be as follows:

a. The appearance of counsel who will try the cause, and their clients (a management representative if a corporate party), with full and final authority to enter into a complete compromise and settlement is mandatory.

b. The Court has the power to and will impose sanctions for all parties that **DO NOT** attend the Conference, to include award of mediation and attorney's fees and other costs. The participants shall be prepared to spend as much time as necessary to settle the case or until an impasse is declared by the Mediator.

c. The parties shall forthwith present a brief written summary of the facts and issues to the Mediator.

d. All discussions, representations and statements made at the Mediation Conference shall be privileged as settlement negotiations and nothing related to the Conference shall be admitted at trial or subject to discovery.

4. The Plaintiff's attorney is hereby appointed as lead attorney to work with the Mediator and other attorney's herein to coordinate the Mediation Conference.

5. Unless otherwise specified herein, Rules 1.710, 1.720, and 1.730 of Fla. R. Civ. P. shall apply. Upon completion of mediation the mediator shall informally advise the Court as to the agreement or lack of agreement.

JURY TRIAL:

6. That the above-entitled cause is hereby set for **JURY TRIAL** during the week of **MARCH 15, 2010**, commencing at 9:00 a.m. or as soon thereafter as counsel may be heard. You will be notified as soon as possible prior to trial as to the priority of your case on the trial docket.

PRE-TRIAL CONFERENCE:

7. That a **PRE-TRIAL CONFERENCE** shall be held in Chambers before the Honorable William H. Hallman, III, Circuit Judge, Sumter County Courthouse, 225 East McCollum Avenue, Bushnell, Florida 33513, on **March 8, 2010, at 10:00 a.m.**, pursuant to Rule 1.200, Florida Rules of Civil Procedure, to consider all matters suggested therein and to simplify the issues to expedite the trial of this cause.

8. The Attorney who expects to conduct the actual trial of the cause shall be present at the conference, unless excused by the Court, but parties shall only be required to appear in person if they are *pro se*, (representing themselves and without counsel).

9. That the attorneys for all parties are directed to meet together by agreement, initiated by counsel for the Plaintiff, no later than 7 days before the Pre-Trial Conference, to:

a) Mark all exhibits for identification and prepare a chronological exhibit list for use of Clerk and Court at trial (actual exhibits and documentation evidence shall be available for inspection at this time);

b) Admit or not admit as evidence and list specific objections, if any;

c) Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;

d) Review all depositions, which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence;

e) Discuss the possibility of settlement;

f) Submit an itemized statement of special damages plaintiff expects to prove;

g) Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference and Trial.

h) Prior to the Pre-Trial Conference, the attorneys for all parties shall meet and draft the Pre-Trial Compliance Order which is attached to this order. This Pre-Trial Compliance Order shall be submitted to the Court at least seven (7) days before the Pre-Trial Conference.

DISCOVERY CUT-OFF DATES:

10. The agreed discovery cut off dates are as follows:

a. Appraisal reports shall be exchanged by **November 15, 2009**;

b. Witness lists, including computations of all damages and liabilities shall be by 30 days prior to the Pre-Trial Conference, or by **February 8, 2010**, and shall include a statement identifying the substance of the respective expert's opinions and testimony, if any;

c. A list of Exhibits shall be served by one (*business*) day prior to the Pre-Trial Conference, or by **March 5, 2010**;

e. Under no circumstances shall any discovery be allowed in this case after the

discovery cut-off date which is one (*business*) day prior to Pre-Trial Conference, or by **March 5, 2010**;

- f. Cut-off dates cannot be extended by stipulation, but only by the Order of this Court.

MOTIONS:

11. All motions, except motions in limine, shall be filed and resolved prior to the Pre-Trial Conference. All such motions not heard by the Pre-Trial Conference shall be deemed abandoned.

12. Counsel are urged to complete all discovery at least 30 days prior to the Pre-Trial Conference. The conduct of discovery subsequent to the discovery cut-off date shall be permitted only on the order of the Court for good cause shown and which will not delay the trial of this cause.

13. On the last business day prior to the trial, each party shall submit to the Court with a copy to opposing counsel, written jury instructions and proposed verdict forms. Each jury instruction shall be on a separate sheet of paper; shall be plainly marked with the name and number of the case; shall contain citations of supporting authorities, if any; shall designate the party submitting the instructions; and shall be numbered in sequence. Counsel should confer prior to trial and attempt to agree as to the jury instructions and verdict forms. This paragraph shall not foreclose the right of each party to modify instructions up to and including the instruction conference at the close of evidence. Any party who intends to request that the Court provide a set of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

14. Counsel shall be prepared to negotiate settlement at the Pre-Trial Conference and have full authority to settle the case or have available at the conference a party or representative who does have full authority to settle.

15. That in order for the full purpose of the Pre-Trial procedures to be accomplished, it is directed that each party be represented at all meetings and hearings herein provided for by an attorney and parties or agent who will participate in the trial of this cause and a person who is vested with full authority to make admissions and disclosures of fact and to bind his or her clients by agreements in respect to all matters pertaining to the trial of the cause and the Pre-Trial Conference

16. Failure to comply with the requirements of this Order shall subject counsel to such sanctions as the Court shall determine just and proper under the circumstances.

17. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules Civil Procedure.

18. Counsel shall immediately notify this Court in the event of settlement and submit a stipulation for an Order of Dismissal and a Final Disposition form.

DONE AND ORDERED in Chambers at Bushnell, Sumter County, Florida, this 30 day of November, 2009.

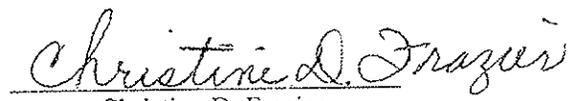

WILLIAM H. HALLMAN, III
CIRCUIT JUDGE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by ~~Facsimile and~~ United States Mail to the following addressees on the 30 day of November 2009.

Vivian Arenas-Battles, Esquire
David M. Caldevilla, Esquire
de la Parte & Gilbert, P.A.
Post Office Box 2350
Tampa, FL 33601-2350
Attorneys for Petitioner
Facsimile (813)229-2712

Joseph M. Hanratty, Esquire
Forman, Hanratty & Montgomery
723 E. Fort King Street
Ocala, FL 34471
Attorney for Oxford Land Holdings, Inc.,
d/b/a Oxford Outdoor Advertising
Facsimile (352)351-1690

Felix M. Adams, Esquire
138 Bushnell Plaza, Ste. 201
Bushnell, FL 33513


Christine D. Frazier
Judicial Assistant

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY SPECIAL ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT ADA COORDINATOR, 225 E. McCOLLUM AVENUE, BUSHNELL, FLORIDA 33513, TELEPHONE (352)569-6088) WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS DOCUMENT. IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1-800-955-8771.