

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

**SUMTER COUNTY, FLORIDA**, a political subdivision of the State of Florida,

**Plaintiff,**

v.

**CASE NO.: 2023-CC-730**

**THE ESTATE OF RICKEY LEE JENKINS; THE UNKNOWN SPOUSE OF RICKEY LEE JENKINS N/K/A LOUELLA JENKINS; DANNY RAY JENKINS; TERRY JENKINS; JUDY ANN COLE; DOLORES SMITH; UNKNOWN TENANT OR TENANTS IN POSSESSION N/K/A TIMOTHY SMITH; ALL OTHER PARTIES OCCUPYING OR IN POSSESSION;** if the above Defendants are alive and if one or more of said Defendants are dead, their unknown spouses, heirs, devisees, assignees, grantees, creditors, or other parties claiming by, through, under or against said defendants, and all unknown parties claiming interests by, through, under or against a named defendant to this action, or having or claiming to have any right, title, or interest in the property herein described, sued herein as **JOHN DOE**,

**Defendants.**

**PLAINTIFF'S MOTION FOR JUDICIAL DEFAULT  
AGAINST DEFENDANT, UNKNOWN TENANT OR TENANTS IN POSSESSION  
N/K/A TIMOTHY SMITH**

COMES NOW, the Plaintiff, **SUMTER COUNTY, FLORIDA**, a political subdivision of the State of Florida, acting by and through the Board of County Commissioners (hereinafter, the "County"), files this Motion for Judicial Default against Defendant, Unknown Tenant or

Tenants in Possession N/K/A Timothy Smith, and in furtherance thereof states:

1. The County filed its Complaint, Summons, and Notice of Lis Pendens with the Clerk of the Court on July 11, 2023.

2. The Clerk of the Court issued the Summons to Defendant, Unknown Tenant or Tenants in Possession on July 12, 2023.

3. A Return of Service to Unknown Tenant or Tenants in Possession N/K/A Timothy Smith was filed with the Clerk of Court on August 7, 2023, under Filing No.: 179026062, indicating that the Defendant, Unknown Tenant or Tenants in Possession N/K/A Timothy Smith, was properly served with the Complaint on August 1, 2023.

4. Defendant, Unknown Tenant or Tenants in Possession N/K/A Timothy Smith's Answer was due on August 21, 2023.

5. The Court Docket does not reflect an Answer, pleading, or paper was filed by the Defendant, Unknown Tenant or Tenants in Possession N/K/A Timothy Smith by the August 21, 2023 deadline responding to the Complaint for Foreclosure, nor has the County's law firm received any Answer, pleading, or paper responding to the Complaint for Foreclosure.

6. As a result, the County filed a Motion for Entry of Clerk's Default against Unknown Tenant or Tenants in Possession N/K/A Timothy Smith on August 22, 2023, under Filing No.: 180221880.

7. On August 24, 2023, the Clerk of Court entered a Clerk's Default against Terry Jenkins under Docket No.: 52.

8. The County is entitled to the entry of a Judicial Default against the Defendant, Unknown Tenant or Tenants in Possession N/K/A Timothy Smith for the failure to file a timely Answer, pleading, or paper responding to the Complaint for Foreclosure by the August 21, 2023

deadline.

**WHEREFORE**, the Plaintiff, **SUMTER COUNTY, FLORIDA**, a political subdivision of the State of Florida, acting by and through the Board of County Commissioners, respectfully requests this Court to enter a Judicial Default against the Defendant, **UNKNOWN TENANT OR TENANTS IN POSSESSION N/K/A TIMOTHY SMITH**, award Plaintiff its attorneys' fees and costs, and such other relief as the Court deems just and proper.

Respectfully submitted this 31<sup>st</sup> day of August, 2023.

*/s/ Jarrod D. Prater, Esq.* \_\_\_\_\_

**JENNIFER C. REY, ESQ.**

Florida Bar Number: 0041997

**JARROD D. PRATER, ESQ.**

Florida Bar Number: 1008355

**THE HOGAN LAW FIRM**

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Attorney for Plaintiff

[CERTIFICATE OF SERVICE FOLLOWS]

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct of the foregoing *Plaintiff's Motion for Judicial Default against Defendant, Unknown Tenant or Tenant in Possession N/K/A Timothy Smith* has been filed this 31<sup>st</sup> day of August, 2023 via the State of Florida E-Portal system to Delores Smith, and via regular U.S. Mail to The Estate of Rickey Lee Jenkins, The Unknown Spouse of Rickey Lee Jenkins N/K/A Louella Jenkins, Terry Jenkins, and Judy Ann Cole at 4916 W. Bertha Street, Indianapolis, IN 46241; Danny Ray Jenkins at 4918 W. Bertha Street, Indianapolis, IN 46241, and The Unknown Tenant or Tenants in Possession N/K/A Timothy Smith at 8703 CR-626, Bushnell, FL 33513.

*/s/ Jarrod D. Prater, Esq.*

**JARROD D. PRATER, ESQ.**

Florida Bar Number: 1008355