

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

HERNANDO COUNTY, a political  
subdivision in the State of  
Florida,

Case No.: 91-470-CA-01

Plaintiff,

vs.

MEL ABELE,

Defendant.

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HERNANDO COUNTY  
ATTORNEY'S OFFICE

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O R D E R

THIS CAUSE having been brought on for final hearing on September 26, 1991, parties being present, the Defendant, MEL ABELE representing himself, pro se, and the Petitioner, HERNANDO COUNTY, a political subdivision of the State of Florida represented by its Assistant County Attorney, and the Court having heard the sworn testimony of witnesses and having reviewed the evidence submitted by the parties, and the Court being otherwise fully advised in the premises, the Court finds as follows:

1. MARLIN CANAL is a public watercourse used for navigation.
2. The construction of a dock, pier, or other structure on MARLIN CANAL and (the intended uses) of said structure, at the northeastern corner of the Defendant's property, presents an obstruction to navigation and it is a valid public purpose to enjoin this obstruction.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Defendant, his heirs, successors, and assigns are permanently enjoined from constructing a dock, pier, or other



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structure on Marlin Canal at the northeast corner of the following described real property:

Hernando Beach Unit 9, Blk. 93, Lot 34

also known as 4299 Carlos Court, Spring Hill, Florida.

2. The Defendant is ordered to move his vessel, known as the "Effie Campbell", to an area on Marlin Canal abutting and adjacent to the Western property line of said property, so as not to otherwise constitute an obstruction to navigation, or in the alternative to remove said vessel from the waters of Marlin Canal.

3. The Defendant shall have fourteen (14) days from the date of this Order, in which to move or remove said vessel after which time the Plaintiff, Hernando County may enter upon the Defendant's property, without further order of this Court, and cause said vessel to be moved or removed from the MARLIN CANAL at the expense of the Defendant.

4. Should the Plaintiff, Hernando County cause the Defendant's vessel to be removed from the MARLIN CANAL, the Plaintiff may dispose of said vessel as it sees fit, without further order of this Court.

5. The Defendant is ordered to remove all wood, concrete blocks, barrels, pilings, telephone poles, and all other materials from the waters of MARLIN CANAL, along the Defendant's seawall, within the said fourteen (14) days or the Plaintiff may cause said materials to be removed at the expense of the Defendant, without

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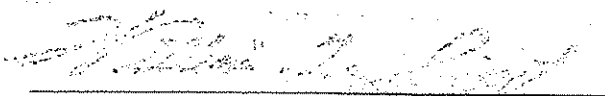
further order of this Court.

6. The Defendant may build an above water dock on the waters of MARLIN CANAL, near the western property line of said property, at a location agreeable to the Plaintiff which shall not unreasonably obstruct navigation. The Defendant must reapply to Hernando County for a building permit and shall comply with all other local regulations and permit requirements.

7. Should the Defendant desire to appeal the Final Order of this Court, a cash supersedeas shall be posted by the Defendant in the amount of ten thousand (\$10,000) dollars.

8. Costs of this action shall be born by the Defendant and jurisdiction is retained by the Court for the determination of said costs and all issues of attorneys fees. Jurisdiction is further retained by the Court for the purposes of enforcing this Order and/or for the purpose of assessing damages (including Plaintiff's cost and expenses incurred pursuant to paragraphs 3 and 5 hereof), against the Defendant for his failure to comply with this Order.

DONE IN OPEN COURT this 10 day of October,  
1991.

  
WILLIAM T. SWIGERT  
Chief Judge  
Fifth Judicial Circuit

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by U.S. Regular Mail to MEL ABELE, 8860 Winter Street, Brooksville, FL 34601 and KENNETH L. WARNSTADT, Esq., 20 N. Main Street, Rm. 462, Brooksville, FL 34601-2800 on this 11 day of October, 1991.

~~KAREN NICOLAI~~  
~~Clerk of Court~~

By: [Signature]  
~~Deputy Clerk~~

JUDICIAL ASSISTANT