

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

## GROUP 46 Cases As Follows:

UNITED STATES OF AMERICA,

Plaintiff,

vs.

0.93 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and EDWARD T. COVEY,  
et al., and Unknown Owners,

99-2690-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 212-08

1.25 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and PATRICIA A. CONLAN,  
et al., and Unknown Owners,

99-2883-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 222-14

1.14 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and CRISPIAN NIGEL BURLEY,  
et al., and Unknown Owners,

00-111-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 211-09

2.50 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and J.S.M. HOLDING CORP., INC. ,  
et al., and Unknown Owners,

00-2780-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 202-24

1.59 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and MIGUEL BARBEITO,  
et al., and Unknown Owners,

00-4546-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 226-21

1.38 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and WILLIAM E. MCDONALD,  
et al., and Unknown Owners,

00-4602-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 560-21

1.70 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and TOMAS DIAZ COTTO,  
et al., and Unknown Owners,

00-4780-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 243-30

1.50 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and ROBERT J. PORCH,  
et al., and Unknown Owners,

00-4881-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 524-01

2.50 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and ALFREDO CORTON,  
et al., and Unknown Owners,

01-0071-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 142-44

1.38 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and ELOISE C. MCDONALD,  
et al., and Unknown Owners,

01-0688-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 563-04

2.52 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and ROBERT C. GESELL,  
et al., and Unknown Owners,

01-0883-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 539-37

1.25 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and PEDRO SIEBEL ENRIQUEZ,  
et al., and Unknown Owners,

01-1317-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 519-35

1.25 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and HAROLD L. BAUMGARTNER,  
et al., and Unknown Owners,

01-2506-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 252-49

4.73 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and DAVID RUBIN,  
et al., and Unknown Owners,

01-3110-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 555-35

5.00 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and JOSE A. PEREZ,  
et al., and Unknown Owners,

01-3121-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 201-03

2.50 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and GEORGE LABORDE,  
et al., and Unknown Owners,

01-3958-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 142-12

5.00 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and HARRIETTE ROSS,  
et al., and Unknown Owners,

01-4096-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 136-22

1.14 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and WALTER L. HARRIS  
(DECEASED),  
et al., and Unknown Owners,

01-4117-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 212-52

2.50 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and OLGA IVANIC,  
et al., and Unknown Owners,

01-4120-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 517-35

1.25 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and DANIEL C. PEREZ,  
et al., and Unknown Owners,

01-4360-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 522-07

1.25 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and BRIAN D. YOUNG,  
et al., and Unknown Owners,

01-4974-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 213-39

1.70 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and GUILLERMO GARCIA  
(DECEASED),  
et al., and Unknown Owners,

02-20618-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 243-36

1.25 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and LAUREANO MARINEZ  
(DECEASED),  
et al., and Unknown Owners,

02-20619-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 240-07

30.00 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and MATILDE V. DE VALLEJO,  
et al., and Unknown Owners,

02-21300-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 200-28

2.50 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and RUPERT M. WATTS,  
et al., and Unknown Owners,

02-22055-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 145-29

1.14 ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF DADE, STATE OF  
FLORIDA; and FRANK WILSECK  
(DECEASED),  
et al., and Unknown Owners,

02-22182-CIV-UNASSIGNED/TURNOFF  
TRACT NO. 209-24

Defendants.

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**JUDGMENT DETERMINING JUST COMPENSATION**  
**AND ORDER FOR DISBURSEMENT OF FUNDS**

These causes came on for a trial held before a duly appointed Land Commission on October

22, 2008, to determine just compensation for the property interests taken. The Commission filed its Report of Land Commissioners with the Clerk of the Court on December 11, 2008, recommending awards to said defendant landowners as just compensation. The Court hereby accepts the Report and findings of the Land Commission.

It is hereby **ORDERED AND ADJUDGED** that the Report of Land Commissioners filed herein on December 11, 2008, covering the tracts set forth in the chart attached hereto, is hereby confirmed and approved and that the Commission's findings of fact are hereby adopted as the findings and conclusions of this Court.

That judgments be and hereby are entered in favor of the parties listed in the chart attached hereto and made a part hereof, and in the sums designated therein against the United States of America.

Said sums shall be full and just compensation and in full satisfaction of any and all claims of whatsoever nature against the United States of America by reason of the institution and prosecution of this action and taking of the said property interest(s) and all appurtenances thereto belonging.

The said sums shall be subject to all real estate taxes, liens and encumbrances of whatsoever nature existing against the said property at the time of vesting title in the United States. Encumbrances and charges of whatsoever nature shall be payable and deductible from the said sum.

#### **PROCEDURE FOR DISBURSEMENT**


The Clerk of the Court is hereby ordered to disburse the said sums together with any interest accrued to the parties entitled thereto upon application to this Court and without further order of this Court, unless the United States files an objection within 10 days. **A form for Application for Withdrawal of Funds is attached to this Order.** In the event that said sums together with any interest remain unclaimed for a period of at least five years from the date of this Order, the Clerk of

the Court, pursuant to 28 U.S.C. § 2042, is ordered to cause said sums, together with any interest accrued thereon, to be deposited in the U.S. Treasury in the name and to the credit of the United States of America in trust for the use and benefit of any persons entitled thereto.

**DONE AND ORDERED** in Chambers, in Miami, Florida, this 4 day of

February

, 2009.

  
\_\_\_\_\_  
FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGE

cc: Copies furnished to all parties and/or counsel of record

### Final Market Values

Civil No.	Tract No.	Acres	Estimate of Market Value	Date of Valuation	Owner's Name(s)
99-2690	212-08	0.93	\$ 600.00	10/04/1999	Edward T. Covey
99-2883	222-13	1.25	\$ 650.00	10/26/1999	Patricia A. Conlan
00-0111	211-09	1.14	\$ 600.00	01/12/2000	Rosemond Cutler, Heirs of
00-2780	202-24	2.50	\$ 1,250.00	05/17/2000	JSM Holding Corp., Inc.
00-4546	226-21	1.59	\$ 800.00	11/30/2000	Miguel Barbeito, Heirs of
00-4602	560-21	1.38	\$ 700.00	12/5/2000	William E. McDonald, Heirs of
00-4780	243-30	1.70	\$ 850.00	12/15/2000	Thomas Diaz Cotto, Heirs of
00-4881	524-01	1.50	\$ 750.00	12/21/2000	Robert J. Porch, Heirs of
01-0071	142-44	2.50	\$ 1,250.00	01/08/2001	Alfredo Corton, Heirs of
01-0688	563-04	1.38	\$ 700.00	02/16/2001	Eloise C. McDonald
01-0883	539-37	2.52	\$ 1,250.00	03/02/2001	Robert C. Gesell, Heris of
01-1317	519-35	1.25	\$ 650.00	04/02/2001	Pedro Siebel
01-2506	252-49	1.25	\$ 650.00	06/15/2001	Harold Baumgartner
01-3110	555-35	4.73	\$ 2,400.00	07/17/2001	David Rubin
01-3121	201-03	5.00	\$ 2,500.00	08/02/2001	Jose Perez
01-3958	142-12	2.50	\$ 1,250.00	09/25/2001	George Labond, Heirs of
01-4096	136-22	5.00	\$ 2,500.00	10/03/2001	Harriette Ross, Trustee
01-4117	212-52	1.14	\$ 600.00	10/04/2001	Walter L. Hami, Heirs of
01-4120	517-35	2.50	\$ 1,250.00	10/04/2001	Olga Ivanic
01-4360	522-07	1.25	\$ 650.00	10/25/2001	Daniel Perez
01-4974	213-39	1.25	\$ 650.00	12/12/2001	Brian D. Young
02-20618	243-36	1.70	\$ 850.00	02/27/2002	Guillermo Garcia, Heirs of
02-20619	240-07	1.52	\$ 800.00	02/27/2002	Laureano Martinez, Heirs of
02-21300	200-28	30.00	\$ 15,000.00	04/29/2002	Matilda B. DeVallejo
02-22055	145-29	2.50	\$ 1,250.00	07/15/2002	Rupert M. Watts
02-22182	209-24	1.14	\$ 600.00	07/24/2002	Sophia Wilseck, Trustee

**INSTRUCTIONS FOR COMPLETING**  
**APPLICATION FOR WITHDRAWAL OF FUNDS**

- (1) Landowner shall *fill in* this Application.
  
- (2) Landowner's signature shall be *notarized*.
  
- (3) A W-9 form has been enclosed for your convenience. This form is required by the Court's Financial Department, but *shall not* be filed as part of the Court record.
  
- (4) The completed application, along with the W-9 form, shall be *returned to*:

U.S. Magistrate Judge William C. Turnoff  
United States District Court  
Southern District of Florida  
301 N. Miami Avenue  
11<sup>th</sup> Floor  
Miami, FL 33128



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_-CIV-UNA/TURNOFF

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRACT NO. \_\_\_\_\_  
(EAST EVERGLADES)

\_\_\_\_\_ ACRES OF LAND, MORE OR LESS,  
IN THE COUNTY OF MIAMI-DADE, STATE  
OF FLORIDA, et al.,

Defendants.

\_\_\_\_\_ /

**APPLICATION FOR WITHDRAWAL OF FUNDS**

(1) Name of Applicant: \_\_\_\_\_  
(Landowner Seeking Funds)

(2) Date of Judgment: \_\_\_\_\_

(3) Sum Awarded by Judgment: \_\_\_\_\_

Applicant, \_\_\_\_\_, states as follows:  
(Landowner Seeking Funds)

(a) the fee simple title to the subject property was good according to the records of the Applicant who is entitled to the said sum; and

(b) Applicant warrants that he/she has the exclusive right to the balance of the compensation herein after payment of taxes plus the interest earned on said balance and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

(c) Applicant agrees that he/she will hold the United States of America and this Honorable Court harmless from any claims made by parties having liens or encumbrances, or other parties who

may have been entitled to the said compensation or any party thereof by reason of any unrecorded agreement.

Signature of Applicant: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

\_\_\_\_\_

Telephone No.: \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn on oath depose and say that I have  
(Landowner Seeking Funds)

read the foregoing and attached Application for Withdrawal of Funds subscribed by me and know the

contents thereof; that the matters therein upon my personal knowledge are true and those stated upon information and belief I believe to be true.

Signature of Applicant: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

\_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

( ) Personally Known to Me, or;

( ) Produced ID \_\_\_\_\_;

\_\_\_\_\_  
NOTARY PUBLIC/Signature