

APPLICATION FOR CIRCUIT JUDGE

D. MELISSA MOORE STENS

(REDACTED)

APPLICATION FOR NOMINATION TO THE CIRCUIT COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: January 7, 2016 Florida Bar No.: 0144665

GENERAL: Social Security No.: [REDACTED]

1. Name Dawn Melissa Moore Stens E-mail: [REDACTED]

Date Admitted to Practice in Florida: September 1998

Date Admitted to Practice in other States: N/A

2. State current employer and title, including professional position and any public or judicial office.
County Court Judge

3. Business address: 1769 E. Moody Boulevard, Building 1

City Bunnell County Flagler State FL ZIP 32110

Telephone (386) 313-4520 FAX (386) 437-7296

4. Residential address: [REDACTED]

City [REDACTED] County Flagler State FL ZIP [REDACTED]

Since September 2004 Telephone [REDACTED]

5. Place of birth: Miami, Florida

Date of birth: [REDACTED] Age: 41

6a. Length of residence in State of Florida: 41 years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Flagler

7. Marital status: Divorced

If married: Spouse's name _____

Date of marriage _____

Spouse's occupation _____

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

Michael Stens, [REDACTED] 10-24-2013 Jacksonville, Florida, Fourth Judicial Circuit, [REDACTED]

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
██████████	14	student	same
██████████	12	student	same

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite

- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes No

12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No

Describe such problem and any treatment or program of monitoring or counseling.

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances.

No

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

No

15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

No

17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
University of Florida		Fall 1992	n/a
Florida Atlantic University	Magna Cum Laude	Spring 1993-Fall 1994	Bachelor of Arts, Psychology Major, with Honors
University of Florida	Cum Laude	Fall 1995-Spring 1998	JD with Honors

18b. List and describe academic scholarships earned, honor societies or other awards.
 Honors list, University of Florida College of Law, Spring 1997, Fall 1997, Spring 1998
 Honors, Legal Research & Writing, Fall 1995
 William C. Gaither Award for Most Outstanding Moot Court Team Member, 1997
 President's Spring Recognition of Outstanding Students Award, 1997
 University of Florida Law Student of the Year 1996
 Justice Campbell Thornal Moot Court Team, Fall 1996 through Spring 1998, several positions held
 Coach of Jerome Prince Evidence National Team, Spring 1998
 Vice-Chair for Intramural Competition, Fall 1997
 Coach of Worker's Compensation Regional Team, Fall 1997

Quarterfinalist in San Diego Criminal Procedure Competition, Fall 1997
 Assistant Vice-Chair for Publicity, Spring 1997
 Quarterfinalist in Tulane Sports Law Competition, Spring 1997
 Journal of Law and Public Policy, Spring 1997 through Spring 1998, positions held:
 Executive Policy Editor, Spring 1997
 Teaching Assistant, Legal Research & Writing, Fall 1996
 Teaching Assistant, Appellate Advocacy, Spring 1997
 American Bar Association liason, ALI-ABA Committee on Continuing Legal Education
 Association of Public Interest Law, several positions held:
 1997 President, 1996 Treasurer
 Law School Peer Counselors, Founder & Director, 1996 through 1998
 University of Florida American Bar Association, Secretary 1996
 John Marshal Bar Association, Treasurer Fall 1996, Small Group Advisor Spring 1996
 Florida Sheriff's Association Scholarship, 1994
 Phi Kappa Phi, National Honor Society, 1993 inductee

Numerous scholarships from High School, including the following:
 Kathryn Menk Miller Volunteer Service Award, Junior League of Miami, 1992
 Dade County Police Benevolence Association Scholarship, 1992
 Brown University Book Award, dedicated to a Junior who combines academic excellence
 with clarity in written and spoken expression, 1991
 Silver Knight Award, Science, May 1991
 1990/1991 Daughters of the American Revolution Essay Contest Certificate of
 Appreciation recipient

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
1994 to August 1996	Assistant Manager	The Limited	Miami, Florida

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Bar	1998
Middle District of Florida	2001

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Attorney, Shareholder	Williams & Moore, P.A.	101 S. Palmetto Ave, Suite 3, Daytona Beach, FL 32114	February 2001 through December 2012
Assistant State Attorney	Office of the State Attorney John Tanner	Palatka, Florida	September 1998 through January 2001
Instructor	St. Johns River Community College	Palatka, Florida	September 1998 through January 2001
Certified Legal Intern	Office of the State Attorney, 20 th Judicial Circuit	Ft. Myers, Florida	May through July 1998
Research Assistant	Assistant Dean & Professor of Law Christopher Slobogin	Gainesville, Florida	October 1997 through May 1998
Law Clerk	Southern Legal Counsel	Gainesville, FL	August 1997 through May 1998
Law Clerk	Honorable Thomas (Tam) S. Wilson, Jr.	Miami, FL	May 1997 through August 1997
Senior Law Clerk	Scruggs & Carmicheal	Gainesville, FL	December 1996 through September 1997

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

I am not currently practicing law. I was elected to the Flagler County Court on November 6, 2012 and commenced my term January 8, 2013. When I was in practice, I handled mostly criminal and family law matters. I am a Board Certified Criminal Trial Attorney, having obtained such certification in 2006.

In regard to the criminal side of my practice, I handled a wide variety of criminal matters, including infraction hearings, criminal traffic matters, misdemeanors, felonies, violations of probation matters, juvenile delinquency, and administrative review hearings at Department of Highway Safety and Motor Vehicles. I attended criminal court weekly, including pretrial conferences, motion hearings, arraignments, pleas, jury and non-jury trials. Many of my criminal clients did not have an extensive criminal history, and their main concern was navigating the criminal justice system for the first time. Criminal clients want a strong advocate, someone who knows how to navigate and succeed in the courtroom. My Board Certification in Criminal Trial Law gave me credibility with clients who were concerned about an attorney who may encourage them to enter a plea in their case. In a criminal case, a client's freedom, liberty, employment, ability to drive, amongst other things, is on the line; and my clients knew that I was never going to shy away from a trial if that was the result they wanted.

With regard to my former family law practice, most of my family law cases involved litigation of dissolution of marriage cases, both contested and uncontested, post-dissolution matters, paternity, custody and visitation matters, child support issues, dependency matters, and injunctions for protection. Although there might be some overlap between criminal and family law clients, my family law clients were generally far more emotional. They are looking for an attorney who can be trusted, who can protect their interests and fight for the outcome they are seeking, while at the same time empathize with their plight.

In addition to the above, I also did contract work for Charles Ruppel, Esq., the contract attorney for the Department of Revenue in our area. In that capacity, I covered a minimum of two dockets per month in front of the presiding Child Support Hearing Officers in Volusia, Flagler, and St. Johns counties, with each docket averaging 40 cases per day.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

	Court		Area of Practice	
				5
Federal Appellate	_____	%	Civil	(50% as a judge) %
Federal Trial	_____	%	Criminal	45 %

			(50% as a judge)
Federal Other	_____ %	Family	_____ 50 %
State Appellate	_____ 1 %	Probate	_____ 0 %
	89 (100% as a judge) %	Other	_____ %
State Trial	_____ %		
State Administrative	_____ 10 %		
State Other	_____ %		
	_____ %		
TOTAL	_____ 100 %	TOTAL	_____ 100 %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

		Non-jury?	115 NJT; Approx 10,000 DOR Hearings. As a Judge, approximately 100
Jury?	45 as an attorney, 28 as a Judge		
Arbitration?	0	Administrative Bodies?	Approx 300

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

I have compiled a list for questions 27a and 27b to the best of my recollection. I do not

have access to my calendaring system for 2012; so I attempted to recall the last 6 trials and last 6 mediations, while also looking through the Volusia and Flagler County Clerk's websites for information.

State of Florida vs. John Johnson 2011 CT 864 (Flagler), Jury Trial, W. Scott Westbrook, ASA (386)748-2791.

Brian Sheridan vs. Sandra Sheridan 2005 DR 000204 (Flagler), Final Hearing on Supplemental Petition for Modification of Final Judgment of Dissolution of Marriage, Robert Stepniak Esq. for the former wife (386)253-4750.

State of Florida vs. Leslie Pitter 2011MM39 (St. Johns), Non-Jury Trial, Benjamin Rich, ASA (904) 209-1620

Deborah Allen vs. John Allen, 2011 DR 000594 (Flagler), Final Hearing on Petition for Dissolution of Marriage, Andrew Natelson Esq. for the former husband (386)439-5138.

Lisa Hutchison vs. John Hutchison, 2009 FMCI 34216 (Volusia), Final Hearing on former's Husbands Motion to Modify Final Judgment of Dissolution, Carine Jarosz Esq., nka Carine Emplit for the former husband (850)414-3300.

Jonathan Welker v. Sunny Welker, 2010 DR 1049 (Flagler), Final Hearing on Petition for Dissolution of Marriage, The Honorable Karen Foxman for the former husband (386) 257-6072.

- 27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

Ronya Johnson vs. Jamie Johnson 2012DR346(Flagler), Sid Nowell Esq. for the former wife, (386)439-2332

Robert Reynolds vs. Donna Reynolds 2012DR211(Flagler), Timothy Goan Esq. for the former husband, (386)445-9003.

Courtney Beauregard-Haynes vs. Andrew Haynes 2012DR34 (Flagler), Robert Stepniak Esq. for the former husband, (386)253-4750

Monica Toner vs. Denis Toner 2010-32544FMCI (Volusia), Philip Bonamo Esq. for the former wife, (386)257-1222

Kimberly Delk vs. Ricky Delk, 2010-11931 FMDL (Volusia), Heather Caeners Esq. for the former husband, (386)738-4708

Danielle Mullen v. William Gray, 2011DR1663 (Flagler), Carine Jarosz Esq., nka Carine Emplit, for the mother (850)414-3300.

- 27c. During the last five years, how frequently have you appeared at administrative hearings?
3 (as an attorney) average times per month

- 27d. During the last five years, how frequently have you appeared in Court?
20-25 days average times per month

- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? _____%
Defendants? _____%
28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.
- Not applicable

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

Not applicable

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

State of Florida v. George Charles Johns 00-677CFMA (Putnam County). When I was working for the Office of the State Attorney (1998-2001), this case was one of the most significant cases in my career. The case was tried in front of The Honorable William A. Parsons in Putnam County, Florida in January, 2001. It was the last case I tried as an Assistant State Attorney, and I was sole counsel for the State of Florida; opposing counsel was Assistant Public Defender Larry Sykes. The Defendant was convicted and sentenced to thirty years in Florida State Prison. The case was appealed to the Fifth District Court of Appeal and Affirmed at citation 838 So. 2d 635 (Fla. 5th DCA 2003). The preparation of the case involved extensive depositions with children, Department of Children and Family Services employees, sheriff's deputies, motion practice, Williams Rule (similar fact evidence) Motion and Hearing, and ultimately the jury trial.

The case involved a previously convicted sex offender in Putnam County and three separate victims. The Defendant, George Charles Johns, worked earnestly to gain and maintain various positions of authority over children, e.g. baseball coach, president of a baseball league, chaperone for field trips (even though he had no natural born minor children). The victims in this case were teenage boys.

The Defendant was and is a calculated and dangerous sexual predator, who had previously "successfully completed" Sex Offender Probation, and was able to fool most people with whom he came into contact. He was very charming and had a façade, which allowed him to gain unfettered access to teenage boys. He then was able to use his positions of power to gain control over them and subject them to repeated sexual abuse. Unfortunately, he was able to obtain temporary custody of one child, while the Mother was being investigated by the Department of Children and Family Services. He also molested other boys on field trips, at baseball practices, and at his home while assisting the children repairing all terrain vehicles. The Defendant deserved to be in a prison for the longest time possible, and I was extremely proud to make the children of Putnam County safer by convicting him.

Ronald Dale Scarberry v. George Charles John, Interlachen Little League, Department of Children and Family Services, Case # 03-218-CA-52; Jeremy Lightner v. George Charles Johns, Interlachen Little League, Putnam County School Board, Case #03-219-CA-52 (Putnam County). After prosecuting Mr. Johns, I then had the privilege of representing two of the victims in a civil lawsuit against the various agencies who "dropped the ball" and allowed this sex offender to gain the above referenced positions of authority. Both of these victims were adults at the time of filing the civil lawsuits. With Plaintiff Ronald Dale Scarberry, he had met Mr. Johns through the Interlachen Little

League, in his capacity on the Board of Directors and as an Assistant Coach. Because of their previous knowledge of one another, when the Plaintiff's Mother was being investigated by the Department of Children and Family Services, she suggested that the Plaintiff live with Mr. Johns. The Department agreed with that placement, even though he had been investigated by their agency a few years earlier for the molestation he perpetrated on his nieces and nephews (for which he had obtained the sex offender probation). Thereafter, while Plaintiff was living with Mr. Johns, he was repeatedly molested. Plaintiff Jeremy Lightner had met Mr. Johns while on a gifted field trip through his school within the Putnum County Public School system. During that trip, the two established a rapport with one another, which eventually led to sexual contact on the trip home. Later, the two meet again through the Interlachen Little League, where Mr. Johns was assigned as an Assistant Coach to Plaintiff's team. In his capacity as Assistant Coach, Mr. Johns often would transport the Plaintiff to and from practices and games. It was during these times, and at the ballfield, where molestation occurred. These cases ultimately settled. Both Plaintiffs continued to keep in touch with me throughout my years in private practice, and they had continued to struggle with the residual effects of this tremendous abuse. These cases were significant to me because it provided the last bit of closure to the victims from the criminal case, while exposing the wrongs perpetrated civilly against these individuals.

State of Florida v. Karon Sutton 99-2037 CFMA (Putnam County). This case involved a Prison Releasee Reoffender who was being charged with Attempted Murder and Armed Kidnapping. I represented the State of Florida and was sole trial counsel. The case was tried in front of The Honorable Edward Hedstrom in Putnam County, Florida. Wayne Henderson, Esq. of St. Augustine, Florida represented the Defendant. The case involved depositions, Williams Rule Motion and evidentiary hearing, dealing with adverse witnesses in a domestic violence situation, forensic and ballistic evidence for a gun which was discharged by the Defendant, and ultimately a jury trial. This case was significant because the Defendant was a violent person who had other pending Attempted Murder charges against the same victim in Orlando, Florida.

At the time of the instant offense, the victim and Defendant lived together in a domestic relationship. They continued to reside together, and the victim was an adverse State witness. The Defendant failed to appear in court for several months. However, eventually, he was arrested via warrant. In the meantime, he continued to perpetrate multiple acts of violence on the victim. Eventually, she became a more cooperative state witness. Despite her ultimate cooperation with the prosecution, and even after the jury found him guilty of kidnapping, the victim still wanted to see him and was concerned about the length of his prison sentence. He was sentenced to a mandatory life sentence under the Prison Releasee Reoffender act.

Although I tried this case over a decade ago, relatively early in my legal career, its' significance to me, both personally and professionally, has remained very real. I feel strongly for victims of domestic violence who are unable to control and leave a dynamic and abusive relationship. The State of Florida often has to act as the neutral third party, looking from the outside and into the family dynamic to determine if a crime had been committed. This Defendant had a violent history, and his abuse towards the victim continued despite her belief that it might change over time. Subsequent to the trial, I saw the victim. She was then happily married with a stable job and family life. She no

longer had any contact with Mr. Sutton. I am honored to have been part of the process in liberating her from an abusive person and placing him into the penal system for his repeated acts of violence.

One of the most significant cases I have handled has been as a Guardian Ad Litem (volunteer attorney) on the divorce case of John F. Galbreath and Maria C. Galbreath, 2005-35015FMC130 (Volusia County). I was appointed by The Honorable Shawn Briese to conduct an investigation and submit a report to the Court regarding custody. Both parties were represented by counsel, the Wife by Gina Roman-Secor and the Husband by Barry Hughes. Both spouses were requesting full custody of all 3 children, as well as alleging mental health issues against the other party. The Husband was retired from the military, but he had been investigated for domestic violence toward the end of his career. The Wife had been a stay-at-home mother. I spent approximately 60 hours researching the parties and the children (reports from the military regarding the domestic violence, school records of the children, et cetera), interviewing all involved parties, and preparing the report, along with testifying at the Trial.

As I was preparing the report for the Court, and as I was going through the factors under Chapter 61 of the Florida Statutes, I began to weigh and consider the different facts that I had uncovered. I began to appreciate the significance that my report would play, and I began to fully appreciate the gravity of the decision that Circuit Court Judges make daily with regard to family cases involving children. I also realized that without such a report, the Judge would be relying solely on the testimony of the parties. I felt as though being appointed to handle this task was a much larger responsibility than I originally anticipated, and I have tremendous respect for all Circuit Judges and the gravity of the decisions they make daily. This assignment by the Court was a responsibility I knew I could never take lightly, and I am thankful for the opportunity to have provided the Court with this vital information. This experience illustrated to me that Judges must rely on outside sources as well as courtroom testimony and demeanor in order to make a thoughtful and educated decision, and that having more information is better than having limited information with which to make such significant decisions.

As a defense attorney, I handled the matter of State of Florida v. Jacqueline Guinyard, 2001-33701CFAES (Volusia County), wherein Mrs. Guinyard was charged with Attempted Murder under the 10-20-Life Statute. Although I met with the Defendant and her family in advance, I was hired after the Defendant had already entered a No Contest Plea, pending Sentencing. The matter was handled in front of The Honorable William Parsons and the State of Florida was represented by then Assistant State Attorney Peter McGlashan. This matter involved a woman, diagnosed with Battered Womens Syndrome, based upon years of abuse that she had suffered at the hands of others and the hands of the victim in this case, her estranged husband. The circumstances surrounding the incident were that she and her husband had been separated for some time. One night, while she was sleeping, he broke in through the bedroom window, climbed over her, and went into the bathroom. He began taking a shower and shaving, as though he still lived there. Mrs. Guinyard shot him in the stomach. He survived. Despite the fact that they continued to be separated, the victim did not want to see her spend any time in jail. However, the State of Florida refused to waive completely the 10-

20-Life statute. Specifically, the State agreed to waive the injury and discharge portions, but not the minimum mandatory ten years.

After a lengthy Sentencing hearing, with the testimony of Dr. Haber as to the Defendant's condition, the Judge announced that he was convinced that the Defendant should not go to prison. However, since the State of Florida refused to waive the minimum mandatory portion of the sentence, Judge Parsons had no choice but to sentence the Defendant to ten years. This case made me recognize that Judges do not hold all the power in the courtroom. Over the years, I have been involved in other circumstances and cases which have also led me to this conclusion, but this case provides the most stark instance. I truly believe that all members of the Court personnel felt they were doing the right thing and did so to the best of their abilities, but the experience was devastating and frustrating for myself and Mrs. Guinyard, at a minimum.

Another significant case in my career was as a defense attorney was State of Florida v. Darcy Doria, 2003-31416CFAES (Volusia County). In this case, the Defendant had been accused of multiple acts of Lewd & Lascivious Exhibition in Volusia and Brevard Counties. The matter was under investigation for a few months, wherein the Defendant met with law enforcement along with a local attorney. The Defendant provided information to the attorney, which he expected to be passed along to law enforcement, some of which provided alibis for the offense dates and times (such as clocking into and out of work). This information was not conveyed to law enforcement, and he was ultimately arrested by warrant. The same attorney convinced him to enter a plea at Arraignment to a probationary sentence, having only looked at the discovery days prior. After doing so, the Defendant hired me to attempt to have the plea withdrawn, so that his alibi defenses could be submitted to the Court. The Honorable Julianne Piggotte denied our Motion to Withdraw plea, and the matter was ultimately Per Curiam Affirmed by the Fifth District. Mr. Doria continued on Probation for several years, attempting to terminate his probation early, which was also denied.

Eventually, at the conclusion of his probation, he was violated by Department of Corrections. This violation was submitted due to the fact that he had not "successfully completed" Sex Offender treatment. Part of being able to successfully complete the treatment is the ability to admit the circumstances of the underlying offense. The Defendant never did so, which in turn caused his treatment provider to increase his weekly sessions, impose additional sanctions, and administer additional polygraph exams. When the Violation of Probation was submitted, I filed a Motion to Dismiss the Violation. The Motion to Dismiss was ultimately granted by Judge Piggotte.

This case was significant to me on several levels. First, I was able to see how certain types of cases, in this case any type of sexual allegation, automatically generate a higher level of scrutiny by the Court, the State, and the Department of Corrections. I also learned that attorneys have different approaches to the same case and same set of facts. Had I been the original attorney, I would have attacked the case differently. This case allowed me to appreciate the difficulty in trying to adjust to and modify another attorney's tactical decisions. It also allowed me to bring to the Court's attention the injustice in violating a person's probation, who was otherwise completely compliant and successful, simply because of not admitting to an offense for which he had an alibi. There was no discretion by the Department of Corrections in taking his alibi into

consideration, despite the fact that Mr. Doria attempted to withdraw his plea and had evidence of his innocence.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

Please see attached Orders, drafted by myself since being elected, and referenced in question 32d.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

- 32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

Flagler County Court, January 2013 to present

- 32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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Types of issues heard:

- 32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

Yes. Flagler County Judge, Flagler County, Florida. Elected November 6, 2012, commenced term January 8, 2013.

- 32d. If you have had prior judicial or quasi-judicial experience,

- (i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

Aaron Delgado, Esq., 227 Seabreeze Boulevard, Daytona Beach, FL 32118, (386) 255-1400

William Partington, Esq., Assistant Public Defender, 1769 E. Moody Boulevard, Building 1, Bunnell, FL 32110, (386) 313-4545

Melissa Clark, Esq., Assistant State Attorney, 251 North Ridgewood Avenue, Daytona Beach, FL 32114, (386) 239-7710

Dennis Bayer, Esq., 109 South 6th Street, Flagler Beach, FL 32136, (386) 439-2332

Ronald Hertel, Jr., Esq., 145 City Place, Suite 301, Palm Coast, FL 32164, (386) 445-8900

Edward Ronsman, Esq., 1301 Plantation Island Drive, Suite 304, St. Augustine, FL 32080, (904) 823-3333

- (ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

All Flagler county civil cases, small claims actions, criminal traffic and misdemeanor cases, traffic infractions with injuries, and acting Circuit Judge to sign all child support matters handled through Department of Revenue. Also since December 2014, all dependency cases in Flagler County.

All statistics contained herein were obtained through the Clerk of Court State Reporting System.

In 2013, I was assigned approximately 2,266 criminal cases, disposing of 1,948 in that same year. I was assigned 1,083 county civil cases, disposing of 1,095 that year. I was assigned 203 new Department of Revenue child support cases, 139 reopened cases, disposing of 208 new DOR cases that year.

In 2014, I was assigned approximately 2,718 criminal cases, disposing of 2,740 that year. I was assigned 1,151 county civil cases, disposing of 1,125 that year. I was assigned 155 new Department of Revenue child support cases, 230 reopened cases, disposing of 180 new DOR cases that year.

Through July 2015, I have been assigned approximately 1,518 criminal cases, disposing of 1,697 to date. I have been assigned 695 county civil cases, disposing of 674 so far this year. I have taken on delinquency cases beginning December 2014. For 2015, through July, there have been 165 complaints filed with 139 cases disposed. Through July 2015, there have been 107 Department of Revenue cases assigned, with 82 of those cases having been disposed through July.

(iii) List citations of any opinions which have been published.

State v. Madzel, 20 Fla.L. Weekly Supp. 501a

State v. O'Reilly, 20 Fla. L. Weekly Supp. 663a

State v. Krainik, 20 Fla. L. Weekly Supp. 991a

State v. Sury, 20 Fla. L. Weekly Supp. 1218c

State v. Tucker, 20 Fla. L. Weekly Supp. 1220c

State v. Staff, 21 Fla. L. Weekly Supp. 267b

State v. Croswell, 21 Fla. L. Weekly Supp. 321b

State v. Prigoda, 22 Fla. L. Weekly Supp. 829b

State v. Baskin, 22 Fla. L. Weekly Supp. 830b

State v. Green, 22 Fla. L. Weekly Supp. 1072a

State v. Barbeiro, 22 Fla. L. Weekly Supp. 1074b

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

Of personal significance to me since being on the bench was State v. Jacquez Roland, 2011CF1100. This was a Robbery with a Weapon, False Imprisonment, Grand Theft, Battery case that I presided over at the request of Circuit Judge David Walsh to aid in his docket in May 2013. Mr. Roland was a Prison Releasee Reoffender, which provides for mandatory penalties if convicted. Because of the charges, Mr. Roland was looking at a mandatory thirty years on one count, mandatory five years on another. This was the first felony case I presided over, and I ultimately sentenced Mr. Roland to forty years. The trial went smoothly with two experienced trial attorneys, Richard Price for the State and Regina Nunnally for the Defendant. This case was significant to me because of the gravity of the sentence which I was required to impose when Mr. Roland was convicted. There is a significant difference in the weight of sentences applicable in Circuit versus County court. Although I handled significant felony cases when practicing law, I had never been tasked with the responsibility of essentially sentencing a 36 year old man with a prison sentence for most, if not all of the remainder of his life. This case made me appreciate the depth of difficulty Circuit Judges experience daily. It made me appreciate the trial skills and respect shown by the attorneys to each other.

Among the published opinions listed in the previous question are three opinions surrounding the red light camera citations. I had a few of these tickets, in which attorneys filed motions challenging the constitutionality of the statute that led to

the issuance of the citations. In August 2013, I conducted lengthy hearings with counsel for the City of Palm Coast, Robin McKinney, and the attorneys representing the drivers, David Shekhter and William Arnau. In preparation for those hearings, I had reviewed every published opinion about the red light cameras, had attended a class at our County Judge conference on the red light cameras, and had spoken to a couple of the judges who authored the opinions I had reviewed. My opinion is partially consistent with that ultimately entered by the Fourth District Court of Appeal. I enjoy hearing matters of first impression, or any type of issue which could potentially make law on appeal. The red light camera citations have created a lot of law, and this is an ever evolving statute. The citations have also been a hot button topic in Flagler county. For these reasons combined, I feel as though the collection of red light camera issues presented to me have been amongst some of the most significant cases over which I have presided.

A case of first impression I heard recently was Claudia Strickland v. Bank of America, 2015 CC 244. This was argued in late 2014, under a different case number, by Kristine Callagy for the Plaintiff and David Applegate for the Defendant. This was a consumer debt collection matter, wherein the Plaintiff alleged that Bank of America violated the FDCPA and FCCPA when they sent a letter subsequent to a partial payment made by the Plaintiff, after the Plaintiff had retained attorneys under a Notice of Limited Representation. There were several other cases for the court to consider, but none presented the exact facts and circumstances of the letters generated in this case. I spent extensive time reviewing the specific facts of the cases cited by both sides, as compared to the facts before me. I also spent extensive time reviewing the letter that was generated by Bank of America and sent to the Plaintiff along with Notice of Limited Representation signed by the Plaintiff and delivered to the Defendant. I entered an Order granting Bank of America's Motion for Summary Disposition in July 2015, which I have included as part of my packet of legal writing for question 31. To my knowledge, this has not been appealed. Nevertheless, I do believe guidance by an appellate court would be helpful on this issue, as I would imagine there are thousands of letters similar to the one in this case that have been sent to consumers, and numerous cases filed by law firms on behalf of consumers based on such letters. As I explained above, I enjoy hearing cases of first impression, as well as the more complex legal issues presented in some of my county civil cases. I do feel that the role of a Circuit Judge would present more challenging legal issues than those presented as a County Judge, and I look forward to the challenges that would be presented if I was elevated to the Circuit bench.

One of my most difficult juvenile delinquency cases has been In re: R [REDACTED] M [REDACTED] 14-60-CJJA, in which the State is represented by Susan Dannelly and the Defendant is currently represented by APD Noble Mack Brunton, previously by APD Vivian Singleton, now with the Attorney General's office. This case began in 2014 when Judge Terry LaRue was handling juvenile delinquency cases in Flagler County. The original allegations involved the youth sexually battering two brothers, each under the age of twelve, living in the household. He entered a plea to one count, and was committed with post-commitment probation. This case first came to me through a Pre-Release Notification and Acknowledgment. What was so concerning was that the Department of Juvenile Justice had no plan for this

youth's release, no school where the child would be attending, no place for this child to live. I was unwilling to approve such a non-existent recommendation, and rather set the matter for hearing so that my concerns could be addressed in open court with all parties present. At that hearing, I became aware of a gap in the system for children such as this youth - when a child is released from a commitment program, but is not welcome home, for any reason or no reason at all (in this case, a valid reason for molesting other children in the household). The youth would be released to no one, which would in turn initiate an immediate shelter for the child, at which time services for the youth could then be researched and implemented. I felt as though the process is somewhat backwards. When we are aware of who these children are, should not the Departments (both DJJ and DCF) begin working together to present a viable solution to the Court, rather than submitting a recommendation to the Court with a non-existent plan? If I continue to handle delinquency matters in Flagler County, I do want to address this further. I would imagine this happens even more frequently in larger counties. Having presided over delinquency cases, and having taken the judicial training for delinquency and dependency judges, including the concept of unified family court, I am a firm believer in unified family court and would love such an assignment.

One of the first cases I heard on the safe harbor provision was *Christiana Trust v. Island Estates Neighborhood Association Inc.*, 2014CC161. Attorneys Justin Plean and Edward Ronsman argued the matter in front of me. Since this time, I have heard several other cases involving whether a purchaser at a foreclosure sale qualifies under Florida Statute 720.3085(2) safe harbor provision for limitations on the liability for past due homeowner association assessments. This case was the first of many, which introduced me to the intricacies and nuances of homeowners association litigation and how the foreclosures have impacted the county court dockets. Furthermore, this case was particularly troubling because the Plaintiff, who was the purchaser, and who was seeking the protection of the safe harbor provision, had wrongfully not paid any assessments whatsoever, even those that accrued after their purchasing the property; yet they were seeking attorneys fees as a prevailing party under Florida Statute 720.305(1). As I have stated previously, I sincerely enjoy complex matters and those of first impression. This case presented both of those for me, with the unique twist of a Plaintiff who had unclean hands when requesting attorneys fees from the Court.

One of my first motions to suppress heard as a judge was *State v. Madzel*, 12CT740, with then Assistant State Attorney Eva Koestel (Paulk) and attorney Daniel Leising. This case involved a complex mix of the community caretaker doctrine, which is a new and evolving area of criminal law, often applied to DUI cases, as well as an interplay with the City of Palm Coast ordinances. While being a fact specific case, I had to review all of the applicable law related to the community caretaker doctrine, analyze and compare the facts of the instant case to those presented in other community caretaker cases, and determine whether the ordinance had any interplay into the facts presented. I was slightly surprised at how difficult this decision was for me. The decisions made by judges are often seen by lawyers as easy one way or the other. I often felt that way myself, as an attorney. However, since coming to the bench, I do not take any decision lightly. This was one of the first motions to suppress I heard, and also one of the first that I granted. It was appealed by the State, and affirmed on appeal by Judge Walsh. This case is

significant for me on many levels; but I feel as though it presents a unique set of facts, from which the State appealed, and from which I was affirmed.

- (v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

No

- (vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

No

- (vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

No

BUSINESS INVOLVEMENT:

- 33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

Not applicable

- 33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

No

- 33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

No

POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

The only types of cases over which I could not preside would be those involving any former client. The only types of cases I have recused myself from were those involving former clients, cases in which my former law firm partner, Douglas Williams, Esq., is

representing an individual, or cases involving representation by Sharon Feliciano, Esq., who is a friend and former opponent during my election in 2012.

MISCELLANEOUS:

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.
No
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?
No
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.
Yes. In a Marital Settlement Agreement that I drafted in October 2005, lump sum alimony was to be paid by my client, the husband, to the wife. The language required by the Internal Revenue Service for such payment to be tax deductible was not included in the Marital settlement agreement. A letter was sent to me regarding payment of damages in early 2008, which I immediately submitted to my carrier at the time, Medmarc Casualty Insurance Company. They negotiated with the attorney for the husband, and total damages paid were \$7,500.00 in 2008.
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
No
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.
No
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so,

please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Dissolution action referenced in question #7

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

No

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No

- 43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

- 43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

- 43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

45. List any honors, prizes or awards you have received. Give dates.

Citizen of the Year, Elks Lodge #2709, 2013

Guardian of Justice Pro Bono Services Award, Community Legal Services of Mid-Florida, September 2010

Guardian of Justice Pro Bono Services Award, Community Legal Services of Mid-Florida, September 2008

Above and Beyond Pro Bono Services Award, Community Legal Services of Mid-Florida September 2007

Board Certified Criminal Trial Law, August 2006

Pro Bono Service Award, Volunteer Lawyers Project, Central Florida Legal Services, December 2000

Misdemeanor Top Gun Award, Office of the State Attorney, January 2000

Team Performance Award, Palatka Office of the Seventh Judicial Circuit, January 2000

46. List and describe any speeches or lectures you have given.

Friends of the Library Lecture, September 2015

Daughters of the American Revolution Lecture, September 2015

Speaker, "This is My Castle: The Weian Case" at the Opening Doors Seminar sponsored by the Governor's Task Force on Domestic Violence, 2000

Instructor, Domestic Violence Training at Putnam County Sheriff's Office, In Service Training between February and April 1999

Instructor, Domestic Violence Training at Palatka Police Department, In Service Training May 1999

Instructor, Domestic Violence Training at Interlachen Police Department, In Service Training, May 1999

Instructor, Breath Test Operator School, Legal portion, Palatka, FL October 1998

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

President, Flagler County Bar Association, July 2012 to January 2013 (resigned due to election)

CLSMF Board of Directors 2011-2012

Vice-President, Flagler County Bar Association, July 2009 to July 2012

Secretary, Flagler County Bar Association, July 2007 to July 2009

Member, Volusia County Bar Association, 2001 to 2012

Member, Florida Association of Criminal Defense Lawyers, 2001 to 2012

President, Putnam County Bar Association, June 2000 to June 2001

- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Flagler County Chamber of Commerce

Flagler Police Athletic League

Young Professionals Group of Flagler County, Board of Directors January 2013 to Present

Elks Lodge, #2709, Palm Coast

Ladies VFW, Board Legislative Chair, 2013

Take Stock in Children Mentor, 2012 to Present

- 48c. List your hobbies or other vocational interests.

Activities with my children (band, dance, lacrosse), personal hobbies include yoga, reading, traveling, and scrapbooking.

- 48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No

- 48e. Describe any pro bono legal work you have done. Give dates.

From 1998 through 2001, while I was working with the Office of the State Attorney, I volunteered through Central Florida legal Services on a monthly basis, assisting with their Legal Advice Clinics. After starting my practice in 2001, I began volunteering with Community Legal Services of Mid-Florida, through their Guardian Ad Litem program. I have been assigned several cases in that capacity, for which I prepared reports for the Court's review, after conducting a thorough investigation into the parties and the children. In approximately 2010-2012, I assisted Community Legal Services of Mid-Florida in their attempts to start a legal advice clinic in Flagler County, and volunteered with those clinics, as well as being the attorney assigned to perform the Pro Se Family Law Forms Advice Clinics each month in Flagler County, for the short time it was open. In 2011, I was invited by Community Legal Services of Mid-Florida to be the spokesperson for their ONE Campaign in Flagler County, Florida, prior to being elected. I was also on Community Legal Services of Mid-Florida Board of Directors from 2011-2012, when I resigned due to my election.

SUPPLEMENTAL INFORMATION:

- 49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

Family Law, Criminal Law

- 49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

I am certified to teach other Florida Judges and have taught at the DUI Adjudication Lab. This is an intensive one week course for County Court Judges on all aspects of DUI cases. I first taught in 2014 and will be teaching at this course again this November on the substantive areas of traffic infractions and driver's license records (all day first day of the course). I have also been selected to teach at the County Judge's Conference in July 2016. I will be teaching on the substantive matters of first appearances and extraditions. I have taught in the substantive area of criminal law numerous times at the Law Enforcement Academy in St. Johns County when I worked with the Office of the State Attorney between 1998 and 2001. I also have been volunteering with the Justice Teaching program since 2009, presenting two lectures per year to the sixth grade students at Old Kings Elementary School here in Flagler County. The first lecture pertains to the Bill of Rights and the second lecture addresses how policies and rules are drafted, making sure they do not conflict with federal and state statutes.

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

On the job experience is certainly invaluable. I have handled stressful situations in my courtroom, and I know there will be more to come. Having a strong group of judges in the Seventh Judicial Circuit who are all willing to help and answer questions has been a welcome surprise. Likewise, the training that I received in order to become qualified to teach other judges did give me insight on how people learn and how to even more effectively communicate with others. I also believe that my management skills and parenting skills can be brought into this position effectively. Having worked in management for the Limited over several years prior to law school, I learned how to manage the priorities of a large business, including time management, interpersonal skills with others, sales, visual aspects of the business, etc. More pertinent to the legal profession, owning my own business has further contributed to time and personal management skills. Working with my former partner and managing the daily issues that come along with running a business is a unique experience. Furthermore, having worked in each county in the Seventh Judicial Circuit prior to being elected, I practiced in front of many different judges. Therefore, I have seen techniques work in the courtroom and other techniques that are less effective. I feel as though I have effectively implemented different strategies that I learned from many judges along the way. I also believe that having two children, managing their conflicts and their activities is a skill that unfortunately often translates into the courtroom, especially cases involving pro se litigants. Being able to diffuse potentially volatile situations amongst litigants is critical. Management of the courtroom, demeanor, and style all come into play when attempting to keep tempers of litigants at bay. Also, effectively listening, yet keeping people focused on the task at hand, can often be challenging with pro se litigants. Patience, not being frustrated by their lack of understanding, is also required. Providing sufficient information but not acting as an advocate is also a delicate balance that must be maintained. Multitasking is certainly important as a Judge, so that I can be prepared for upcoming hearings, maintain effective turn around with all orders that come into the office, and in general keep my docket running smoothly. There are so many aspects to the job that

need to be considered, simultaneously, as you sit and listen and pay attention to every person and every word being spoken. It is not often easy, but I enjoy the challenge. I think I am duly qualified to serve based upon all the experiences set forth.

51. Explain the particular potential contribution you believe your selection would bring to this position.

I believe that my selection would bring a well-balanced perspective to the bench. As a practicing attorney, I handled both sides of the criminal bench; and I have extensive experience in my family law practice. Since being on the bench, I have gained tremendous experience handling civil matters, handling all small claims and county civil cases for the last two years and nine months. I am a hardworking individual. I put myself through college and law school, based upon the scholarships I earned. I was known as an attorney who is dedicated, communicates well with clients and treats others with respect. I believe that I have brought such qualities to the bench by communicating well, treating everyone with respect, listening to what all persons have to say and making thoughtful and informed decisions. Since being on the bench, I truly love my work. Some days are uniquely challenging, but I welcome the challenge. I enjoy being in the courtroom and handling evidentiary matters. I enjoy reading cases, doing research, and pondering more complex legal matters. I understand the motivations and needs of both private attorneys and those representing state agencies. I have also really enjoyed my delinquency cases since taking over that division in December 2014. I would love nothing more than to see a unified family court division in Flagler County, and I find that the concept of unified family court is extremely beneficial to the children who are the primary subject. The children are often passed from one person to another throughout their lives; and having a consistent judge, one who knows about their past, their experiences, their strengths, and their weaknesses, is a goal that I would like to achieve here in Flagler.

I also feel that a potential contribution I bring to any position is my ability to identify needs in the system and develop solutions to those needs. For instance, as the primary judge handling first appearances in Flagler County (every weekday and every third weekend), I noticed early on that indigent defendants were remaining in custody on bonds they could not post, even when the State ultimately sought a non-jail sanction. I brought this to the attention of the Public Safety Coordinating Counsel, on which I am invited as a member, and a subcommittee was formed. From there, I began keeping track of indigent persons whom I would have placed on pretrial supervision if such a program was available in Flagler County. I then presented this potential solution to the Public Safety Coordinating Counsel in 2013, who then presented it to the entire County Commission for funding approval. The program was implemented in 2014, and it has been thriving since. When I see holes in a system, I brainstorm ways to mend those holes. I am willing to dedicate my time, do my homework, and present the facts to individuals who can assist in solving any problems. I would continue to bring this perspective to any other judicial position I am granted, in hopes of leaving the system in a better position than when I entered it.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

Yes, September 2015, September 2010, and February 2010 to this Commission

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

I feel as though I have consistently contributed to our community, legal and otherwise, as part of my duty to society. Since being elected in 2012, I have enjoyed (almost) every day on the bench. There are hard decisions that need to be made, and I hope that I have made the electorate proud with the decisions I have made. Even though Flagler County is known to have heavy dockets, I have effectively managed the caseload and even taken on other matters. I have thoroughly enjoyed my experiences teaching and becoming involved in the County Judge Conference, and I will continue to be involved and teach whenever possible. I have offered to assist Judge Walsh with his delinquency docket when Judge LaRue retired, and working on these types of cases has really made me find a passion in the judiciary. I would love to handle a unified family court division, and would only be able to do so if elevated to the Circuit bench. I continue to volunteer through organizations, both legal and otherwise, throughout Flagler County. I feel as though being connected with the community, being involved in my children's lives, and being dedicated to my legal career are all fundamental building blocks to a happy and productive life. I believe that I have represented the Seventh Judicial Circuit with the utmost professionalism and service, and I look forward to many years of doing so in the future, if permitted by the electorate.

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

Rebecca DeLorenzo, President and CEO, Flagler County Chamber of Commerce, 20 Airport Road, Suite C, Palm Coast, FL 32164, (386) 503-8155

The Honorable David Denkin, Dean of Judicial College and County Court Judge, 2002 Ringling Boulevard, Sarasota, FL 34237, (941) 861-7895

The Honorable C. David Hood, Jr., Circuit Court Judge, Seventh Judicial Circuit, 125 E. Orange Avenue, Daytona Beach, FL 32114, (386) 257-6072

Senator Travis Hutson, Senate District 6, Volusia, Flagler, St. Johns, and Putnam Counties. District office 4875 Palm Coast Parkway NW Suite 5, Palm Coast, FL 32137, (386) 446-7610.

W. David Kerr, Department of Juvenile Justice, 210 North Palmetto Avenue, Daytona Beach, FL 32114, (386) 947-3500

The Honorable Terence R. Perkins, Chief Judge, Seventh Judicial Circuit, 251 N. Ridgewood Ave, Room 284, Daytona Beach, FL 32114 (386)239-7792

Public Defender James Purdy, Seventh Judicial Circuit, 251 N. Ridgewood Ave, Third Floor, Daytona Beach, FL 32114, (386)239-7730

Representative Paul Renner, State Representative District 24, Flagler, St. Johns, and Volusia Counties. District office 4877 Palm Coast Parkway NW, Palm Coast, FL 32137 (386)446-7644

The Honorable J. David Walsh, Circuit Court Judge, Seventh Judicial Circuit, 1769 E.

Moody Blvd, Bunnell, Fl 32110, (386)313-4510

Clerk of Court Gail Wadsworth, Flagler County Clerk of Court, 1769 E. Moody Blvd,
Bunnell, FL, (386)313-4409

CERTIFICATE

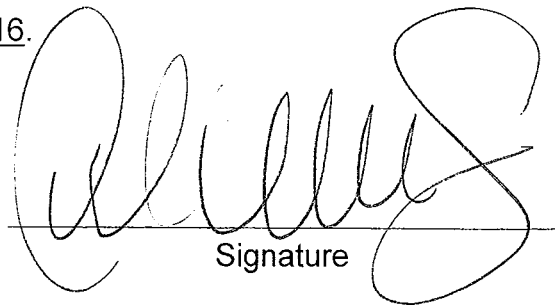
I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 7 day of January, 2016.

Dawn Melissa Moore Stens

Printed Name



Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

See attached

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

See attached

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

See attached

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

See attached

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: January 7, 2016

JNC Submitting To: Seventh Judicial Circuit

Name (please print): Dawn Melissa Moore Stens

Current Occupation: Flagler County Judge

Telephone Number: 386-527-3100 Attorney No.: 0144665

Gender (check one): Male Female

Ethnic Origin (check one): White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Flagler

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

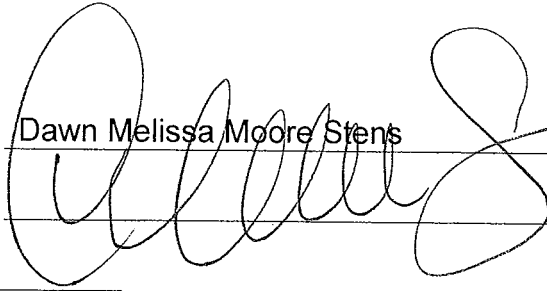
CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of
Applicant:

Dawn Melissa Moore Stens

Signature of Applicant:



Date: January 7, 2016

20 Fla. L. Weekly Supp. 501a

Online Reference: FLWSUPP 2005MADZ

Criminal law -- Driving under influence -- Search and seizure -- Vehicle stop -- Community caretaker doctrine -- Deputy's action in ordering defendant to exit vehicle did not fall within emergency aid exception of community caretaker doctrine -- Deputy had reasonable basis for belief in immediate need for police assistance for defendant sleeping in vehicle at entrance to gated community, but officer could have assessed defendant's medical condition without requiring him to exit vehicle, and no indications of impairment were observed before defendant was ordered out of vehicle -- Motion to suppress is granted

STATE OF FLORIDA vs. DANIEL MADZEL, Defendant. Circuit Court, 7th Judicial Circuit in and for Flagler County. Case No. 2012 CT 740. March 1, 2013. D. Melissa Moore Stens, Judge. Counsel: Eva Koestel, Office of State Attorney, for Plaintiff. Daniel Leising, White Law Firm, Daytona Beach, for Defendant.

ORDER ON DEFENDANT'S MOTION TO SUPPRESS

THIS MATTER came to be heard on the Motion to Suppress. The Court, having heard testimony from the arresting officer, Deputy Joseph Barile, and having heard argument from both Counsel for the State and the Defendant, the Court makes the following findings of fact:

1. Deputy Joseph Barile testified that he was on duty on the evening and early morning hours of October 13, 2012.
2. Deputy Barile testified that he was dispatched to the Tidelands, a gated community in Flagler County, Florida, due to a male possibly sleeping in a vehicle at the entrance to the Tidelands.
3. When Deputy Barile arrived, he witnessed a vehicle in drive up against the median between the two gated entrances. The median is wide with landscaping on it.
4. The vehicle was facing the median, with the front driver tire touching the curb of the median. The vehicle was not obstructing either entrance to the community, and Deputy Barile testified that vehicles would have been able to enter the gates unobstructed.
5. Deputy Barile also testified that the Flagler County Sheriff's Office has previously enforced traffic laws and ordinance violations on that property, with the advanced permission of the homeowners association.
6. The State argued that the Palm Coast City Ordinance Section 44-35(b) applied to the Defendant's vehicle in this circumstance, which reads as follows: Upon any road or street inside the City, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the road or street when it is practical to stop, park or so leave the vehicle off such part of the road or street; but in any event, an unobstructed width of the road or street opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the road or street.

7. Deputy Barile approached the vehicle and saw the driver seemingly sleeping or passed out in the vehicle.

8. Deputy Barile testified that, for safety of everything around, himself and driver, Deputy Barile opened the door to the vehicle and turned the ignition off. Deputy Barile did not remember whether window was up or down; but he testified that for him, it would not have mattered. The Deputy testified that it is not safe to stick hand through a window.

9. Deputy Barile thereafter attempted to wake the Defendant up. He was unable to recall exactly how long it took to wake him up, but that the Defendant eventually woke up, after the Deputy announced his presence and shook the Defendant.

10. When the Defendant woke up, Deputy Barile testified that he was looking around, appearing dazed and confused. The Defendant was not talking; he was simply looking in different directions.

11. Deputy Barile further testified that he did not remember if he tried to determine if the Defendant was ok. Due to the Defendant's actions, Deputy Barile stated that he couldn't tell what was going on with him, whether it was a medical emergency or possible intoxication.

12. To assess the Defendant better, Deputy Barile ordered the Defendant to step out of the vehicle.

13. It is this sequence of events on which the Defendant bases his Motion to Suppress.

14. The Court must first determine what level of police-citizen encounter this constituted. A consensual encounter involves minimal police contact, which allows the citizen to either voluntarily comply with a request or choose to ignore the officer's request. *Popple v. State*, 626 So.2d 185 (Fla. 1993). The second type of encounter is an investigatory stop, where "a police officer may reasonably detain a citizen temporarily if the officer has a reasonable suspicion that a person has committed, is committing, or is about to commit a crime." *Id.* The third type, which is an arrest, requires probable cause and is not at issue in this case.

15. In *Popple*, the Florida Supreme Court held that an officer's request that an occupant of a parked car step out of his vehicle was a "seizure" of the occupant requiring reasonable suspicion. *Gentles v. State*, 50 So.3d 1192, 1197 (Fla. 4th DCA 2011) [35 Fla. L. Weekly D2900a].

16. Because Deputy Barile ordered the Defendant out of his vehicle, a seizure occurred in this case.

17. The next issue to determine is whether the seizure was reasonable based upon some recognized exception of the Fourth Amendment.

18. There are many cases potentially applicable to this factual scenario, but the Court has limited its review to the cases involving a parked vehicle. See *State v. Jimoh*, 67 So.3d 240 (Fla. 2nd DCA 2010) [35 Fla. L. Weekly D2469a]; *Danielewicz v. State*, 730 So.2d 363 (Fla. 2nd DCA 1999) [24 Fla. L. Weekly D793a]; *Delorenzo v. State*, 921 So.2d 873 (Fla. 4th DCA 2006) [31 Fla. L. Weekly D737a]; *Gentles v. State*, 50 So.3d 1192 (Fla.

4th DCA 2011) [33 Fla. L. Weekly D2900a]; State v. Peacock, 9 Fla. L. Weekly Supp. 554a (Fla. Gadsden Circuit Court May 17, 2002); State v. Perez, 12 Fla.L. Weekly Supp. 35a (Fla. Miami Circuit Court October 5, 2004).

19. A temporary detention of an individual may be justified if the officer is concerned for his own safety based upon the individual actions. Terry v. Ohio, 392 U.S. 1 (1968).

20. There was no evidence or testimony in this case that the Defendant DANIEL MADZEL engaged in any furtive movements, nervous reactions, or any other circumstances which would warrant a belief that the officer's safety was in danger. Terry, 392. U.S. at 27. Therefore, the Court concludes there was no concern for officer safety in this case.

21. The Court further finds that the Defendant's conduct does not constitute a violation of the cited Palm Coast City Ordinance 44-35(b), as the Deputy specifically explained that the Defendant's vehicle was not obstructing the lanes of travel.

22. A temporary detention can also be justified under the officer's exercise of his community caretaking function. See Cady v. Dombrowski, 413 U.S. 433 (1973). Under the community caretaking function, the officer has the authority to check the Defendant's status and condition to determine whether he needs assistance. Even without probable cause, an officer may detain an individual pursuant to community caretaking under certain circumstances.

23. In the instant case, the Deputy cannot recall whether he took any measures to ascertain the Defendant's medical condition prior to ordering him out of the vehicle. The Deputy stated that he needed to order the Defendant out of the vehicle to further assess him.

24. In State v. Perez, 12 Fla. L. Weekly Supp. 35a (Fla. Miami Circuit Court October 5, 2004), the Circuit Court in Miami Dade County reviewed similar circumstances to the instant case. The Perez Court set forth a three part test in determining whether the emergency aid/community caretaker doctrine applied, as adopted in People v. Mitchell, 347 N.E.2d 607 (KY. 1976).

25. The three parts as set forth in Perez are (1) Was there an objectively reasonable basis for a belief in the immediate need for police assistance for the protection of life or property?; (2) Were the officer's actions motivated by an intent to aid or protect, rather than solve a crime?; and (3) Do the police actions fall within the scope of the emergency?

26. Applying this test to the instant case, the totality of the circumstances show that there was an objectively reasonable basis for a belief in the immediate need for police assistance for the protection of life or property. The Defendant's vehicle was observed by others who had called into the Sheriff's Office, noting a man sleeping behind the wheel of a vehicle, to which Deputy Barile responded.

27. Next the Court must determine whether the officer's actions were motivated by an intent to aid or protect rather than to solve a crime. Perez, 12 Fla. L. Weekly Supp. 35a. The Court finds that there were other means by which the Deputy could have further assessed the Defendant prior to ordering him out of the vehicle. If the Deputy believed

the Defendant was suffering from an emergency medical condition, then paramedics or medical personnel could have been summoned to the scene.

28. The Defendant DANIEL MADZEL was not slumped over, as was the driver in *Perez*. *Id.* The Defendant DANIEL MADZEL was simply sleeping, more in line with *Danielowitz*, which reflects less of a need to render medical assistance, as was needed in *Perez* when the driver was slumped over the steering wheel.

29. Lastly, the three part inquiry requires the Court to determine whether the police actions fall within the scope of the emergency. *Perez*, 12 Fla. L. Weekly Supp. 35a. Contrary to *Perez*, the Deputy in the instant case had already opened the door to the vehicle and turned the vehicle off prior to awakening the Defendant. This action was followed by the Deputy ordering the Defendant out of the vehicle, without having any indicators of impairment. At the time that the Defendant DANIEL MADZEL was ordered out of the vehicle, the Deputy did not observe any indicators of impairment; he did not smell any odor of alcohol and did not hear any slurred speech. Therefore, Deputy Barile went beyond the actions taken by the officer in *Perez*, while having less indicators of possible impairment.

Based upon the above findings of fact, it is therefore ORDERED AND ADJUDGED as follows:

1. The Defendant's Motion to Suppress is GRANTED. All evidence seized from the Defendant DANIEL MADZEL, including the results of any field sobriety exercises and any matters related to the intoxilizer test are suppressed.

* * *

IN THE COUNTY COURT,
SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER
COUNTY, FLORIDA

CLAUDIA M. STRICKLAND
Plaintiff,

CASE NO. 2015 CC 244

Vs.

BANK OF AMERICA, N.A. et al.,
Defendant.

**ORDER GRANTING DEFENDANT BANK OF AMERICA'S
MOTION FOR SUMMARY DISPOSITION**

THIS CAUSE came before this on the Defendant BANK OF AMERICA'S Motion for Summary Disposition. The Court, having reviewed the Court file, both the Statement of Claim, the Motion to Dismiss filed by the Defendant BANK OF AMERICA, and the authority submitted by both parties, having heard argument from counsel for the Defendant and the Plaintiff, and being otherwise advised in the premises, it is hereby ORDERED AND ADJUDGED as follows:

This matter began under a Small Claims case, 2014SC70. The Statement of Claim filed by Plaintiff CLAUDIA STRICKLAND alleges violations of the Florida Consumer Collection Practices Act, seeking damages not exceeding \$2,500.00. However, the Statement of Claim also sought a Declaratory Judgment that the Defendant's conduct violated the FCCPA along with declaratory and injunctive relief against the Defendant BANK OF AMERICA.

1. In that case, the Defendant BANK OF AMERICA filed a Motion for Summary Disposition on August 11, 2014.
2. Plaintiff CLAUDIA STRICKLAND filed a response on October 21, 2014. Hearing was held on the Motion on October 27, 2014.
3. Subsequently, the Court advised that parties that the Smalls Claim Court did not have jurisdiction to grant the declaratory and injunctive relief requested by the Plaintiff, and held a status with the attorneys. All parties agreed to transfer the matter to County Court,

with no additional pleadings or argument on the underlying Motion for Summary Disposition filed by the Defendant BANK OF AMERICA.

4. The Parties executed a filed a Joint Stipulation to transfer to County Court December 15, 2014; however, the appropriate filing fee was not paid until June 2015.
5. The facts and documents surrounding the Statement of Claim are not in dispute, and are set forth herein.
6. The Plaintiff/Borrower CLAUDIA STRICKLAND is a co-borrower on a note and mortgage for property located at 10 Rockne Lane, Palm Coast, Florida. The property was in default for some time prior to November 17, 2010, at which time an acceleration notice was seemingly provided to the Plaintiff.
7. The Plaintiff/Borrower CLAUDIA STRICKLAND executed an "Authorization and Notice of Representation for First Mortgage" on January 4, 2012 with her attorneys, Kaufman, Englett and Lynd. The Notice of Representation sets forth, in part, as follows:

I hereby request that my attorney, Kaufman, Englett and Lynd, PLLC be contacted from this point in time forward regarding my loan modification efforts. Please forward all litigation related documents (if any), emails and faxes to them directly. I further request that any phone calls be made directly to the Firm as well. You may continue to send account statements directly to me.

8. The Court finds this Authorization to be a limited representation authorization, in that Plaintiff/Borrower CLAUDIA STRICKLAND authorizes communication directly to the borrower for account statements.
9. Later in 2012, the Plaintiff/Borrower CLAUDIA STRICKLAND made three payments to Defendant BANK OF AMERICA related to this debt. The Defendant BANK OF AMERICA sent letters in response to her payments. These three letters are the communications which Plaintiff alleges violate the FCCPA.
10. Each letter is identical. The only difference between them are the dates in which they were generated and sent to the Plaintiff. The letters read, in substance, as follows (the total amounts due vary in each letter and are not set forth below):

IMPORTANT MESSAGE ABOUT YOUR HOME LOAN

(PLEASE SEE BELOW IF YOU ARE IN A TRIAL MODIFICATION, FORECLOSURE, OR REPAYMENT PLAN)

We recently received your payment in the amount of \$1,073.85. This payment was less than the total amount needed to bring your loan up to date. However, we have applied the payment to your loan in accordance with your loan terms. The total amount due after we applied your payment is (varies per letter).

We previously sent a notice informing you of the amount needed to reinstate your loan. The acceleration date of November 17, 2010 provided on that notice remains in effect. If the amount due is not received by the specified acceleration date, foreclosure proceedings may begin or continue.

WHAT THIS MEANS

By accepting and applying an amount less than the amount owed, we have not waived any of our rights under the terms of the loan documents. Future payments may be returned if the payments are less than the total amount owed.

If your loan is already in foreclosure, a scheduled foreclosure sale will be conducted by Bank of America, N.A. unless one of the following occurs: Bank of America, N.A. specifically agrees in writing to suspend or cancel the foreclosure sale, OR your loan is fully reinstated or paid off in accordance with your loan documents and applicable law before the scheduled foreclosure sale. Bank of America, N.A. will continue to report the past due status of your loan to the credit reporting agencies until your loan is brought up to date.

WHAT THIS MEANS IF YOU ARE IN A TRIAL MODIFICATION, FORBEARANCE OR REPAYMENT PLAN

If you are making payments in compliance with a trial modification, forbearance, or repayment plan, please review the agreement for more detailed foreclosure information – we will not foreclose if you are complying with the terms of the agreement. Payments under these programs may be less than the amount owed and will be applied to your loan as described in your agreement. By accepting and applying an amount less than the amount owed, we have not waived any of our rights under the terms of the loan documents.

11. The Defendant BANK OF AMERICA makes three arguments in their Motion for Summary Disposition. First is that this communication is not attempt to collect debt or a

threat, but rather simply a warning that something bad may happen in the future if the full amount due is not made current. The Defendant BANK OF AMERICA argues that this letter is not a collection effort. The letter in question says “may” not “will,” as incorrectly alleged in the Plaintiff’s Response to the Motion. Since the letter merely warns of potential future action, and inform the debtor of the current status of the account, the Defendant BANK OF AMERICA argues that the letter was a communication authorized under FCCPA. Citing Bailey v. Security Nat’l Servicing Corp., 154 F.3d 384 (7th Cir. 1998) (holding that a letter informing the borrower of current loan status, which did not demand payment, and which did warn the borrower that delinquent payments could trigger an obligation to pay the entirety of the loan immediately, did not fall under the FDCPA).

12. The Defendant BANK OF AMERICA further argues that the communication was solely regarding account information, which the Plaintiff/Borrower CLAUDIA STRICKLAND directly authorized in her Notice of Representation.
13. The Defendant BANK OF AMERICA lastly argues that the FCCPA provides an exception for these types of communications when law firm consents to the direct communication with the debtor or in response to debtor initiated communication. The Plaintiff’s attorney, Kaufman, Englett and Lynd, drafted the authorization in question and expressly consented to account information being sent directly to the Plaintiff/Borrower.
14. The Defendant BANK OF AMERICA argues that the Plaintiff cannot be set up by the debtor under FCCPA, which is what they argue the Plaintiff/Borrower CLAUDIA STRICKLAND is doing by filling this suit for letters they sent in response to payments made by the Plaintiff/Borrower.
15. The Plaintiff’s Statement of Claim was filed under Florida Statute 559.72(18), which provides as follows:

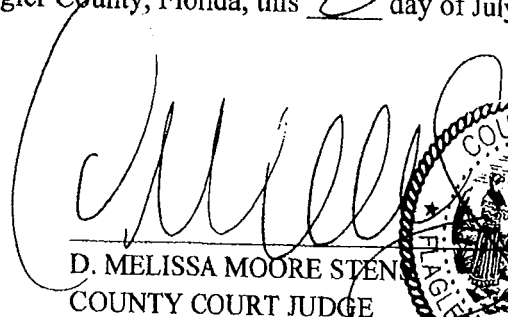
In collecting consumer debts, no person shall communicate with a debtor if the person knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney’s name and address, unless the debtor’s attorney fails to respond within 30 days to a communication from the person, unless the debtor’s attorney

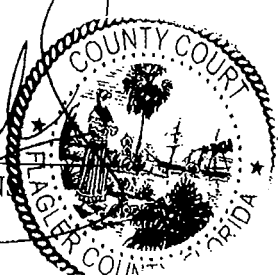
consents to a direct communication with the debtor, or unless the debtor initiates the communication.

16. The Plaintiff's Response in Opposition to the Defendant's Motion for Summary Disposition correctly sets forth the standard under the FDCPA and FCCPA, that the Defendant is a debt collector or person and that the alleged improper communication must have been made in connection with the collection of any debt. Parker v. Midland Credit Mgmt., Inc., 8:12-CV-110-T-30TBM, 2012 WL 2226452 (M.D. Fla. 2012), reconsideration denied (July 31, 2012). Furthermore, because the FDCPA and FCCPA are designed to protect consumers, Courts have employed the least-sophisticated consumer standard to evaluate the communication. Id.
17. However, the Plaintiff's Response in Opposition to Defendant's Motion for Summary Disposition incorrectly characterizes the letter as stating that foreclosure **will** begin (emphasis added). Rather, the letter sets forth a litany of possibilities of what **may** begin under a variety of different circumstances, which may or may not apply to the consumer receiving the letter.
18. The Plaintiff's Response further incorrectly states that "the letters inform the Plaintiff that the full amount required to reinstate the loan must be paid prior to the acceleration date or the home will go into foreclosure." **Nowhere** in the letters does it state that any amount **must** be paid or that the home **will** go into foreclosure. Additionally, the acceleration date set forth in the letter was **November 17, 2010**, almost two years prior to the payments made by the Plaintiff/Borrower and letters sent in response to payments. It is unreasonable to think that the Plaintiff developed immediate concern upon receipt of this letter about an acceleration date which had passed two years earlier.
19. The Plaintiff's Response further incorrectly states that "the letter also goes on to urge Plaintiff to contact Defendant via phone to discuss the options or workout plans she may be eligible for in order to avoid foreclosure." **Nowhere** in the letters does the Defendant BANK OF AMERICA **urge, imply, or request** the Plaintiff/Borrower to contact them.
20. The Court finds that the letters in question are not made to induce the debtor into settling her debt. See contra Horkey v. J.V.D.B & Associates, 333 F.3d 769 (7th Cir. 2003).

21. The Court finds the letters in question did not offer to discuss "foreclosure alternatives" and did not ask for financial information from the borrower to initiate that process. See contra Gburek v. Litton Loan Servicing LP, 614 F.3d 380, 381 (7th Cir. 2010).
22. The Court finds that the intent of the letter was not an attempt to collect the debt, but rather in response to the payment made and to provide account information to the Plaintiff/Borrower CLAUDIA STRICKLAND. There was no demand for payment, no request for additional information, no request for contact by the borrower, or anything harassing about the content of the communication. It was merely informative in nature, in response to a payment made by the borrower, and to update account status.
23. Additionally, the limited Notice of Representation consented to communication from the Defendant BANK OF AMERICA to the Plaintiff/Borrower CLAUDIA STRICKLAND for the purpose of account statements.
24. As such, the Court finds that the Defendant BANK OF AMERICA has not violated Florida Statute 559.72(18), as the limited Notice of Representation consented to account statements being sent to the Plaintiff/Borrower CLAUDIA STRICKLAND.
25. The Defendant BANK OF AMERICA'S Motion for Summary Disposition is GRANTED.

DONE and ORDERED at Bunnell, Flagler County, Florida, this 8th day of July, 2015.


D. MELISSA MOORE STEN
COUNTY COURT JUDGE



CC: Kristine Callagy, Esq., Attorney for Plaintiff
David Applegate, Esq., Attorney for Defendant

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

CASE NO.: 2014-CC-161
DIVISION: 60

CHRISTIANA TRUST, A DIVISION OF
WILMINGTON SAVINGS FUND
SOCIETY, FSB, AS TRUSTEE FOR
STANWICH MORTGAGE LOAN TRUST,
SERIES 2012-13,
Plaintiff,

vs.

ISLAND ESTATES NEIGHBORHOOD
ASSOCIATION, INC.
Defendant.

AMENDED ORDER ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This matter came to be heard on February 2, 2015 on Plaintiff's Motion for Summary Judgment as to Counts I, II, and III of its Complaint and Entitle to its Attorneys' Fees and Costs, and the Court having reviewed the Motion and having heard the argument of counsel for Plaintiff and Defendant. Both parties subsequently filed Motions for Clarification, having been heard on April 10, 2015. The Court, having heard from counsel for Plaintiff and Defendant, and otherwise being fully advised in the premises, it is:

ORDERED AND ADJUDGED

1. The Plaintiff's Motion for Summary Final Judgment on Counts 1 and 2 of its Complaint are hereby **Granted**.
2. Plaintiff's Motion for Judicial Notice is hereby **Granted**.
3. Defendant's Motion for Judicial Notice is hereby **Granted**.

4. There are no genuine issues of material fact in this case wherefore the only determination for the Court to make is whether the Defendant has failed to comply with the terms of its Declaration of Covenants and Restrictions and § 720.3085(2)(c), Fla. Stat. (2013).

5. Plaintiff acquired the property located at 133 Island Estates Parkway, Palm Coast, FL 32137 (“the Property”), by virtue of taking Certificate of Title on December 26, 2013 and later recorded on January 7, 2014 in Book 1983, Page 154 in the Official Records of Flagler County, Florida. The Property is described as:

LOT 69, ISLAND ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 43 THROUGH 51, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

6. Plaintiff was an assignee of the original mortgage holder at the time it acquired title by foreclosure. Accordingly, Plaintiff is required to pay the Defendant pursuant to Article VIII, Section(B)(4), which extinguishes all liability for assessments that accrued prior to Plaintiff taking title by foreclosure. Plaintiff will therefore only be liable for assessments that accrued subsequent to its acquisition of title on December 26, 2013, and Plaintiff shall be responsible for attorney’s fees that accrued between December 2012 and December 2013 as set forth below.

7. The Court finds that Plaintiff is considered a First Mortgagee for the purposes of determining its liability under the “safe harbor” provisions of Section 720.3085(2)(c) of the Florida Statutes (2014).

8. The Court finds that attorneys’ fees accrued during the twelve (12) months prior to Plaintiff’s taking title to the subject property are required to be paid to Defendant pursuant to Section 720.3085(2)(c) as a “common expense”.

9. The Court finds that both the Plaintiff and the Defendant have failed to comply with the terms of the Declaration of Covenants and Restrictions and § 720.3085(2)(c), Fla. Stat. (2013).

10. The Court finds that Defendant, Island Estates Neighborhood Association, Inc., is entitled to payment of the following amounts from Plaintiff as a result of Plaintiff's ownership of the property:

a. Regular assessments:

December 2013 @ \$155.00/mo: **\$155.00**

January 2014 – December 2014 @ \$160.00/mo: **\$1,920.00**

January 2015 – February 2015 @ \$163.00/mo: **\$326.00**

b. Late fees:

December 2013 – January 2015 @ \$25.00/mo: **\$350.00**

c. Interest (Statutory 18% on unpaid assessments):

January 2014 – December 2014: **\$522.75**

January 2015: **\$60.28**

d. Attorneys Fees

January 2013 – December 2013: **\$1,944.00**

January 2014 – December 2014: **\$1,199.00**

e. **TOTAL: \$6,477.03**

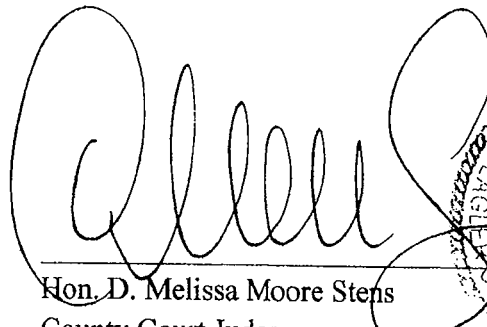
11. Payment of the amounts stated in Paragraph 5 shall be made within **fifteen (15) days** from the date of this Order. Upon receipt of payment, the statement of account associated with the property shall reflect that the only liability to Plaintiff will be as to future assessments (beginning March 1, 2015) that accrue while Plaintiff owns the property.

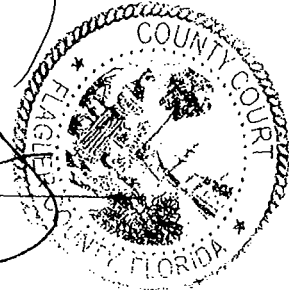
12. The Defendant is ordered to produce an estoppel certificate within five (5) days of the payment of the amounts set forth herein.

13. The Court finds that there was a material dispute regarding the applicability of the "safe harbor" provision and the amount of retroactive assessments owed. However, the Court further finds that the Plaintiff acknowledges the continued non-payment after obtaining the property, causing the Defendant to incur attorney's fees for collection of the assessments that should have been paid by the Plaintiff subsequent to December 2013. As a result, the Court finds that neither party shall be considered the prevailing party under Florida Statute § 720.305(1), and each party shall pay their own attorney's fees and costs associated with this litigation, except as provided above under paragraph 9.

14. The Court retains jurisdiction to enforce this Order by all appropriate means.

DONE and ORDERED in Chambers at Bunnell, Flagler County, Florida, this 10 day
of April, 2015.


Hon. D. Melissa Moore Stens
County Court Judge



Copies to:

Edward Ronsman, Esq.

JACKSON LAW GROUP

1301 Plantation Island Drive, Suite 304

St. Augustine, FL 32080

Attorneys for Defendant Island Estates Neighborhood Association, Inc.

Justin D. Plean, Esq.

Lender Legal Services, LLC

201 East Pine Street, Suite 730

Orlando, FL 320801

Attorneys for Plaintiff Christiana Trust, A Division of Wilmington

Savings Fund Society FSB As Trustee for Stanwich Mortgage Loan Trust Series 2012-13

Island Estates Neighborhood Association, Inc.
PO Box 352241
Palm Coast, FL 32135

	New Cases Filed			Child Support IVD, UIFSA & Paternity disestablishment (dispositions)
	County Criminal	County Civil	Juvenile Delinquency	
2013 CY	2266	1083		208
2014 CY	2718	1151		180
2015 January - July	1518	695	165	82
	6502	2929	165	470

updated 9/16/2015 gw

For the year Jan. 1–Dec. 31, 2014, or other tax year beginning ending
Your first name M.I. Last name Suffix
DAWN M MOORE
If a joint return, spouse's first name M.I. Last name Suffix
Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions. Apt. no.
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).
Foreign country name Foreign province/state/county FL Foreign postal code

Filing Status
1 Single
2 Married filing jointly (even if only one had income)
3 Married filing separately. Enter spouse's SSN above and full name here.
4 [X] Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here.
5 Qualifying widow(er) with dependent child

Exemptions
6a [X] Yourself. If someone can claim you as a dependent, do not check box 6a
b Spouse
c Dependents:
(1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) If child under age 17 qualifying for child tax credit (see instructions)
BRADY STENS [redacted] Son [X]
d Total number of exemptions claimed 2

Income
7 Wages, salaries, tips, etc. Attach Form(s) W-2 7 130,325
8a Taxable interest. Attach Schedule B if required 8a 30
8b Tax-exempt interest. Do not include on line 8a 8b
9a Ordinary dividends. Attach Schedule B if required 9a
9b Qualified dividends 9b
10 Taxable refunds, credits, or offsets of state and local income taxes 10
11 Alimony received 11
12 Business income or (loss). Attach Schedule C or C-EZ 12
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here 13
14 Other gains or (losses). Attach Form 4797 14
15a IRA distributions 15a b Taxable amount 15b
16a Pensions and annuities 16a b Taxable amount 16b
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 17
18 Farm income or (loss). Attach Schedule F 18
19 Unemployment compensation 19
20a Social security benefits 20a b Taxable amount 20b 0
21 Other Income. List type and amount 21
22 Combine the amounts in the far right column for lines 7 through 21. This is your total income 22 130,355

Adjusted Gross Income
23 Educator expenses 23
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24
25 Health savings account deduction. Attach Form 8889 25
26 Moving expenses. Attach Form 3903 26
27 Deductible part of self-employment tax. Attach Schedule SE 27
28 Self-employed SEP, SIMPLE, and qualified plans 28
29 Self-employed health insurance deduction 29
30 Penalty on early withdrawal of savings 30
31a Alimony paid b Recipient's SSN 31a
32 IRA deduction 32
33 Student loan interest deduction 33
34 Tuition and fees. Attach Form 8917 34
35 Domestic production activities deduction. Attach Form 8903 35
36 Add lines 23 through 35 36
37 Subtract line 36 from line 22. This is your adjusted gross income 37 130,355

Tax and Credits

38 Amount from line 37 (adjusted gross income) **38** 130,355

39a Check You were born before January 2, 1950, Blind. Total boxes checked **39a**

If: Spouse was born before January 2, 1950, Blind.

b If your spouse itemizes on a separate return or you were a dual-status alien, check here. **39b**

Standard Deduction for—

• People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions.

• All others:
Single or Married filing separately, \$6,200
Married filing jointly or Qualifying widow(er), \$12,400
Head of household, \$9,100

40 Itemized deductions (from Schedule A) or your standard deduction (see left margin) **40** 9,100

41 Subtract line 40 from line 38 **41** 121,255

42 Exemptions. If line 38 is \$152,525 or less, multiply \$3,950 by the number on line 6d. Otherwise, see instructions. **42** 7,900

43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0- **43** 113,355

44 Tax (see instructions). Check if any from: a Form(s) 8814 b Form 4972 c **44** 22,751

45 Alternative minimum tax (see instructions). Attach Form 6251 **45**

46 Excess advance premium tax credit repayment. Attach Form 8962. **46**

47 Add lines 44, 45, and 46 **47** 22,751

48 Foreign tax credit. Attach Form 1116 if required **48**

49 Credit for child and dependent care expenses. Attach Form 2441 **49**

50 Education credits from Form 8863, line 19 **50**

51 Retirement savings contributions credit. Attach Form 8880 **51**

52 Child tax credit. Attach Schedule 8812; if required. **52**

53 Residential energy credits. Attach Form 5695. **53**

54 Other credits from Form: a 3800 b 8801 c **54**

55 Add lines 48 through 54. These are your total credits **55**

56 Subtract line 55 from line 47. If line 55 is more than line 47, enter -0- **56** 22,751

Other Taxes

57 Self-employment tax. Attach Schedule SE **57**

58 Unreported social security and Medicare tax from Form: a 4137 b 8919 **58**

59 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required **59**

60a Household employment taxes from Schedule H **60a**

b First-time homebuyer credit repayment. Attach Form 5405 if required. **60b**

61 Health care: individual responsibility (see instructions) Full-year coverage **61**

62 Taxes from: a Form 8959 b Form 8960 c Instructions; enter code(s) **62**

63 Add lines 56 through 62. This is your total tax **63** 22,751

Payments

If you have a qualifying child, attach Schedule EIC.

64 Federal income tax withheld from Forms W-2 and 1099 **64** 26,819

65 2014 estimated tax payments and amount applied from 2013 return **65**

66a Earned income credit (EIC) **66a**

b Nontaxable combat pay election **66b**

67 Additional child tax credit. Attach Schedule 8812. **67**

68 American opportunity credit from Form 8863, line 8 **68**

69 Net premium tax credit. Attach Form 8962. **69**

70 Amount paid with request for extension to file **70**

71 Excess social security and tier 1 RRTA tax withheld **71**

72 Credit for federal tax on fuels. Attach Form 4136. **72**

73 Credits from Form: a 2439 b Reserved c Reserved d **73**

74 Add lines 64, 65, 66a, and 67 through 73. These are your total payments **74** 26,819

Refund

Direct deposit? See Instructions.

75 If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you overpaid **75** 4,068

76a Amount of line 75 you want refunded to you. If Form 8888 is attached, check here. **76a** 4,068

b Routing number **c Type:** Checking Savings

d Account number

77 Amount of line 75 you want applied to your 2015 estimated tax **77**

Amount You Owe

78 Amount you owe. Subtract line 74 from line 63. For details on how to pay, see instructions. **78** 0

79 Estimated tax penalty (see instructions) **79**

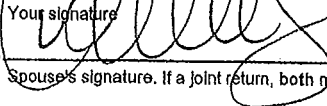
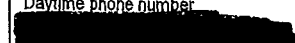
Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see instructions)? Yes. Complete below. No

Designee's name **Preparer** Phone no. **386/258-8789** Personal identification number (PIN) **39150**

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature  Date **2-23-15** Your occupation **COUNTY JUDGE** Daytime phone number 

Spouse's signature. If a joint return, both must sign. Date Spouse's occupation If the IRS sent you an Identity Protection PIN, enter it here (see inst.)

Paid Preparer Use Only

Print/Type preparer's name **LAUREN BAGGERSON** Preparer's signature **LAUREN BAGGERSON** Date **2/23/2015** Check if self-employed PTIN **P01272524**

Firm's name **SPEEDWAY BOOKKEEPING SERVICE INC** Firm's EIN **26-4202907**

Firm's address **1575 AVIATION CTR PKWY #507, DAYTONA BEACH, FL 32114** Phone no. **386-258-8789**

Department of the Treasury
Internal Revenue Service

▶ Do not send to the IRS. This is not a tax return.
▶ Keep this form for your records.
▶ Information about Form 8879 and its instructions is at www.irs.gov/form8879.

2014

Submission Identification Number (SID) **5067322015050oixhnhz**

Taxpayer's name **DAWN M MOORE** Social security number [REDACTED]
Spouse's name _____ Spouse's social security number _____

Part I Tax Return Information—Tax Year Ending December 31, 2014 (Whole Dollars Only)

1	Adjusted gross income (Form 1040, line 38; Form 1040A, line 22; Form 1040EZ, line 4)	1	130,355
2	Total tax (Form 1040, line 63; Form 1040A, line 39; Form 1040EZ, line 12)	2	22,751
3	Federal income tax withheld (Form 1040, line 64; Form 1040A, line 40; Form 1040EZ, line 7)	3	26,819
4	Refund (Form 1040, line 76a; Form 1040A, line 48a; Form 1040EZ, line 13a; Form 1040-SS, Part I, line 13a)	4	4,068
5	Amount you owe (Form 1040, line 78; Form 1040A, line 50; Form 1040EZ, line 14)	5	0

Part II Taxpayer Declaration and Signature Authorization (Be sure you get and keep a copy of your return)

Under penalties of perjury, I declare that I have examined a copy of my electronic Individual Income tax return and accompanying schedules and statements for the tax year ending December 31, 2014, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that the amounts in Part I above are the amounts from my electronic income tax return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send my return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an ACH electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of my federal taxes owed on this return and/or a payment of estimated tax, and the financial institution to debit the entry to this account. This authorization is to remain in full force and effect until I notify the U.S. Treasury Financial Agent to terminate the authorization. To revoke (cancel) a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537. Payment cancellation requests must be received no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I further acknowledge that the personal identification number (PIN) below is my signature for my electronic income tax return and, if applicable, my Electronic Funds Withdrawal Consent.

Taxpayer's PIN: check one box only

I authorize SPEEDWAY BOOKKEEPING SERVICE INC to enter or generate my PIN 63574 as my signature on my tax year 2014 electronically filed income tax return. ERO firm name Enter five digits, but do not enter all zeros

I will enter my PIN as my signature on my tax year 2014 electronically filed income tax return. Check this box **only** if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Your signature [Signature] Date 2-23-2015

Spouse's PIN: check one box only

I authorize _____ to enter or generate my PIN _____ as my signature on my tax year 2014 electronically filed income tax return. ERO firm name Enter five digits, but do not enter all zeros

I will enter my PIN as my signature on my tax year 2014 electronically filed income tax return. Check this box **only** if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Spouse's signature _____ Date _____

Practitioner PIN Method Returns Only—continue below

Part III Certification and Authentication—Practitioner PIN Method Only

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN. 50673232117 Do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature for the tax year 2014 electronically filed income tax return for the taxpayer(s) indicated above. I confirm that I am submitting this return in accordance with the requirements of the Practitioner PIN method and **Publication 1345**, Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns.

ERO's signature NATALIE BOTTI Date _____

**ERO Must Retain This Form — See Instructions
Do Not Submit This Form to the IRS Unless Requested To Do So**

For the year Jan. 1–Dec. 31, 2013, or other tax year beginning , ending

Your first name M.I. Last name Suffix See separate instructions. Your social security number

If a joint return, spouse's first name M.I. Last name Suffix Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions. Apt. no. Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). Foreign country name Foreign province/state/county Foreign postal code Presidential Election Campaign

Filing Status 1 Single 2 Married filing jointly (even if only one had income) 3 Married filing separately. Enter spouse's SSN above and full name here. 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here.

Check only one box. First name Last name SSN 5 Qualifying widow(er) with dependent child

Exemptions 6a Yourself. If someone can claim you as a dependent, do not check box 6a. 6b Spouse. 6c Dependents: (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) If child under age 17 qualifying for child tax credit (see instructions). Boxes checked on 6a and 6b. No. of children on 6c who: lived with you, did not live with you due to divorce or separation (see instructions). Dependents on 6c not entered above. Add numbers on lines above.

Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2. 8a Taxable interest. Attach Schedule B if required. 8b Tax-exempt interest. Do not include on line 8a. 9a Ordinary dividends. Attach Schedule B if required. 9b Qualified dividends. 10 Taxable refunds, credits, or offsets of state and local income taxes. 11 Alimony received. 12 Business income or (loss). Attach Schedule C or C-EZ. 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here. 14 Other gains or (losses). Attach Form 4797. 15a IRA distributions. 15b Taxable amount. 16a Pensions and annuities. 16b Taxable amount. 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E. 18 Farm income or (loss). Attach Schedule F. 19 Unemployment compensation. 20a Social security benefits. 20b Taxable amount. 21 Other income. List type and amount. 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income.

Adjusted Gross Income 23 Educator expenses. 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ. 25 Health savings account deduction. Attach Form 8889. 26 Moving expenses. Attach Form 3903. 27 Deductible part of self-employment tax. Attach Schedule SE. 28 Self-employed SEP, SIMPLE, and qualified plans. 29 Self-employed health insurance deduction. 30 Penalty on early withdrawal of savings. 31a Alimony paid. 31b Recipient's SSN. 32 IRA deduction. 33 Student loan interest deduction. 34 Tuition and fees. Attach Form 8917. 35 Domestic production activities deduction. Attach Form 8903. 36 Add lines 23 through 31a and 32 through 35. 37 Subtract line 36 from line 22. This is your adjusted gross income.

Tax and Credits

38 Amount from line 37 (adjusted gross income) **38** 124,829

39a Check You were born before January 2, 1949, Blind. Total boxes checked 39a

if: Spouse was born before January 2, 1949, Blind. 39a

b If your spouse itemizes on a separate return or you were a dual-status alien, check here. 39b

40 Itemized deductions (from Schedule A) or your standard deduction (see left margin) **40** 24,601

41 Subtract line 40 from line 38 **41** 100,228

42 Exemptions. If line 38 is \$150,000 or less, multiply \$3,900 by the number on line 6d. Otherwise, see instructions **42** 7,800

43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0- **43** 92,428

44 Tax (see instructions). Check if any from: a Form(s) 8814 b Form 4972 c **44** 17,609

45 Alternative minimum tax (see instructions). Attach Form 6251 **45**

46 Add lines 44 and 45 **46** 17,609

47 Foreign tax credit. Attach Form 1116 if required **47**

48 Credit for child and dependent care expenses. Attach Form 2441 **48**

49 Education credits from Form 8863, line 19 **49**

50 Retirement savings contributions credit. Attach Form 8880 **50**

51 Child tax credit. Attach Schedule 8812, if required **51**

52 Residential energy credits. Attach Form 5695 **52**

53 Other credits from Form: a 3800 b 8801 c **53**

54 Add lines 47 through 53. These are your total credits **54**

55 Subtract line 54 from line 46. If line 54 is more than line 46, enter -0- **55** 17,609

Other Taxes

56 Self-employment tax. Attach Schedule SE **56**

57 Unreported social security and Medicare tax from Form: a 4137 b 8919 **57**

58 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required **58**

59a Household employment taxes from Schedule H **59a**

b First-time homebuyer credit repayment. Attach Form 5405 if required **59b**

60 Taxes from: a Form 8959 b Form 8960 c Instructions; enter code(s) **60**

61 Add lines 55 through 60. This is your total tax **61** 17,609

Payments

62 Federal income tax withheld from Forms W-2 and 1099 **62** 18,503

63 2013 estimated tax payments and amount applied from 2012 return **63**

64a Earned income credit (EIC) **64a**

b Nontaxable combat pay election **64b**

65 Additional child tax credit. Attach Schedule 8812 **65**

66 American opportunity credit from Form 8863, line 8 **66**

67 Reserved **67**

68 Amount paid with request for extension to file **68**

69 Excess social security and tier 1 RRTA tax withheld **69**

70 Credit for federal tax on fuels. Attach Form 4136 **70**

71 Credits from Form: a 2439 b Reserved c 8885 d **71**

72 Add lines 62, 63, 64a, and 65 through 71. These are your total payments **72** 18,503

Refund

73 If line 72 is more than line 61, subtract line 61 from line 72. This is the amount you overpaid **73** 894

74a Amount of line 73 you want refunded to you. If Form 8888 is attached, check here. **74a** 894

b Routing number **c** Type: Checking Savings

d Account number

75 Amount of line 73 you want applied to your 2014 estimated tax **75**

Amount You Owe

76 Amount you owe. Subtract line 72 from line 61. For details on how to pay, see instructions **76**

77 Estimated tax penalty (see instructions) **77**

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see instructions)? Yes. Complete below. No

Designee's name **Preparer** Phone no. **386/258-8789** Personal identification number (PIN) **39150**

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature **LAUREN BAGGERSON** Date **9/21/2015** Your occupation **COUNTY JUDGE** Daytime phone number

Spouse's signature. If a joint return, both must sign. Date Spouse's occupation If the IRS sent you an Identity Protection PIN, enter it here (see inst.)

Print/Type preparer's name

Print/Type preparer's name **LAUREN BAGGERSON** Preparer's signature **LAUREN BAGGERSON** Date **9/21/2015** Check if self-employed PTIN **P01272524**

Firm's name **SPEEDWAY BOOKKEEPING SERVICE INC** Firm's EIN **26-4202907**

Firm's address **1575 AVIATION CNTR PKWY #507, DAYTONA BEACH, FL 32114** Phone no. **(386) 258-8789**

**SCHEDULE A
(Form 1040)**

Department of the Treasury
Internal Revenue Service (99)

Name(s) shown on Form 1040

Itemized Deductions

Information about Schedule A and its separate instructions is at www.irs.gov/schedulea.

Attach to Form 1040.

OMB No. 1545-0074

2013

Attachment
Sequence No. **07**

DAWN M MOORE

Your social security number

Medical and Dental Expenses		Caution. Do not include expenses reimbursed or paid by others.			
1	Medical and dental expenses (see instructions)	1			
2	Enter amount from Form 1040, line 38	2	124,829		
3	Multiply line 2 by 10% (.10). But if either you or your spouse was born before January 2, 1949, multiply line 2 by 7.5% (.075) instead	3		12,483	
4	Subtract line 3 from line 1. If line 3 is more than line 1, enter -0-	4			
Taxes You Paid		5 State and local (check only one box):			
a	<input type="checkbox"/> Income taxes, or	5		1,343	
b	<input checked="" type="checkbox"/> General sales taxes	6		3,305	
6	Real estate taxes (see instructions)	7			
7	Personal property taxes	8			
8	Other taxes. List type and amount	9			4,648
9	Add lines 5 through 8				
Interest You Paid		10		18,958	
10	Home mortgage interest and points reported to you on Form 1098	11			
11	Home mortgage interest not reported to you on Form 1098. If paid to the person from whom you bought the home, see instructions and show that person's name, identifying no., and address	12			
Name		13			
Address		14			
Your mortgage interest deduction may be limited (see instructions).		15			18,958
12	Points not reported to you on Form 1098. See instructions for special rules	16		520	
13	Mortgage insurance premiums (see instructions)	17		475	
14	Investment interest. Attach Form 4952 if required. (See instructions.)	18			
15	Add lines 10 through 14	19			995
Gifts to Charity		16 Gifts by cash or check. If you made any gift of \$250 or more, see instructions			
If you made a gift and got a benefit for it, see instructions.		17 Other than by cash or check. If any gift of \$250 or more, see instructions. You must attach Form 8283 if over \$500			
		18 Carryover from prior year			
		19 Add lines 16 through 18			
Casualty and Theft Losses		20 Casualty or theft loss(es). Attach Form 4684. (See instructions.)			
Job Expenses and Certain Miscellaneous Deductions		21 Unreimbursed employee expenses—job travel, union dues, job education, etc. Attach Form 2106 or 2106-EZ if required. (See instructions.)			
		See Attached Statement			
		22 Tax preparation fees			415
		23 Other expenses—investment, safe deposit box, etc. List type and amount			75
		24 Add lines 21 through 23			490
		25 Enter amount from Form 1040, line 38		25	124,829
		26 Multiply line 25 by 2% (.02)		26	2,497
		27 Subtract line 26 from line 24. If line 26 is more than line 24, enter -0-		27	
Other Miscellaneous Deductions		28 Other—from list in instructions. List type and amount			
Total Itemized Deductions		29 Is Form 1040, line 38, over \$150,000?			
		<input checked="" type="checkbox"/> No. Your deduction is not limited. Add the amounts in the far right column for lines 4 through 28. Also, enter this amount on Form 1040, line 40.			
		<input type="checkbox"/> Yes. Your deduction may be limited. See the Itemized Deductions Worksheet in the instructions to figure the amount to enter.			
		30 If you elect to itemize deductions even though they are less than your standard deduction, check here			
				29	24,601

Child and Dependent Care Expenses

1040
1040A
1040NR

OMB No. 1545-0074

2013

Department of the Treasury
Internal Revenue Service (99)

▶ Attach to Form 1040, Form 1040A, or Form 1040NR.
▶ Information about Form 2441 and its separate instructions is at
www.irs.gov/form2441.

2441

Attachment
Sequence No. **21**

Name(s) shown on return

Your social security number

DAWN M MOORE

Part I **Persons or Organizations Who Provided the Care—You must complete this part.**
(If you have more than two care providers, see the instructions.)

1	(a) Care provider's name	(b) Address (number, street, apt. no., city, state, and ZIP code)	(c) Identifying number (SSN or EIN)	(d) Amount paid (see instructions)
	CITY OF PALM COAST	160 CYPRESS POINT PKWY STE B-106 PALM COAST FL 32164	59-3614294	750

Did you receive dependent care benefits? No Yes

Complete only Part II below.
 Complete Part III on the back next.

Caution. If the care was provided in your home, you may owe employment taxes. If you do, you cannot file Form 1040A. For details, see the instructions for Form 1040, line 59a, or Form 1040NR, line 58a.

Part II **Credit for Child and Dependent Care Expenses**

2 Information about your **qualifying person(s)**. If you have more than two qualifying persons, see the instructions.

(a) Qualifying person's name		(b) Qualifying person's social security number	(c) Qualified expenses you incurred and paid in 2013 for the person listed in column (a)
First	Last		
BRADY	STENS	[REDACTED]	

3	Add the amounts in column (c) of line 2. Do not enter more than \$3,000 for one qualifying person or \$6,000 for two or more persons. If you completed Part III, enter the amount from line 31																																																												
4	Enter your earned income . See instructions																																																												
5	If married filing jointly, enter your spouse's earned income (if you or your spouse was a student or was disabled, see the instructions); all others , enter the amount from line 4																																																												
6	Enter the smallest of line 3, 4, or 5																																																												
7	Enter the amount from Form 1040, line 38; Form 1040A, line 22; or Form 1040NR, line 37	7																																																											
8	Enter on line 8 the decimal amount shown below that applies to the amount on line 7																																																												
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9	Multiply line 6 by the decimal amount on line 8. If you paid 2012 expenses in 2013, see the instructions		X																																																										
10	Tax liability limit. Enter the amount from the Credit Limit Worksheet in the instructions	10	17,609																																																										
11	Credit for child and dependent care expenses. Enter the smaller of line 9 or line 10 here and on Form 1040, line 48; Form 1040A, line 29; or Form 1040NR, line 46																																																												

Part III Dependent Care Benefits

12	Enter the total amount of dependent care benefits you received in 2013. Amounts you received as an employee should be shown in box 10 of your Form(s) W-2. Do not include amounts reported as wages in box 1 of Form(s) W-2. If you were self-employed or a partner, include amounts you received under a dependent care assistance program from your sole proprietorship or partnership	12	750
13	Enter the amount, if any, you carried over from 2012 and used in 2013 during the grace period. See instructions	13	
14	Enter the amount, if any, you forfeited or carried forward to 2014. See instructions	14	()
15	Combine lines 12 through 14. See instructions	15	750
16	Enter the total amount of qualified expenses incurred in 2013 for the care of the qualifying person(s)	16	750
17	Enter the smaller of line 15 or 16	17	750
18	Enter your earned income . See instructions	18	124,829
19	Enter the amount shown below that applies to you. <ul style="list-style-type: none"> • If married filing jointly, enter your spouse's earned income (if you or your spouse was a student or was disabled, see the instructions for line 5). • If married filing separately, see instructions. • All others, enter the amount from line 18. 	19	124,829
20	Enter the smallest of line 17, 18, or 19	20	750
21	Enter \$5,000 (\$2,500 if married filing separately and you were required to enter your spouse's earned income on line 19)	21	5,000
22	Is any amount on line 12 from your sole proprietorship or partnership? (Form 1040A filers go to line 25.) <input checked="" type="checkbox"/> No. Enter -0-. <input type="checkbox"/> Yes. Enter the amount here	22	
23	Subtract line 22 from line 15	23	750
24	Deductible benefits. Enter the smallest of line 20, 21, or 22. Also, include this amount on the appropriate line(s) of your return. See instructions	24	
25	Excluded benefits. Form 1040 and 1040NR filers: If you checked "No" on line 22, enter the smaller of line 20 or 21. Otherwise, subtract line 24 from the smaller of line 20 or line 21. If zero or less, enter -0-. Form 1040A filers: Enter the smaller of line 20 or line 21	25	750
26	Taxable benefits. Form 1040 and 1040NR filers: Subtract line 25 from line 23. If zero or less, enter -0-. Also, include this amount on Form 1040, line 7, or Form 1040NR, line 8. On the dotted line next to Form 1040, line 7, or Form 1040NR, line 8, enter "DCB." Form 1040A filers: Subtract line 25 from line 15. Also, include this amount on Form 1040A, line 7. In the space to the left of line 7, enter "DCB"	26	

To claim the child and dependent care credit, complete lines 27 through 31 below.

27	Enter \$3,000 (\$6,000 if two or more qualifying persons)	27	3,000
28	Form 1040 and 1040NR filers: Add lines 24 and 25. Form 1040A filers: Enter the amount from line 25	28	750
29	Subtract line 28 from line 27. If zero or less, stop . You cannot take the credit. Exception. If you paid 2012 expenses in 2013, see the instructions for line 9	29	2,250
30	Complete line 2 on the front of this form. Do not include in column (c) any benefits shown on line 28 above. Then, add the amounts in column (c) and enter the total here	30	
31	Enter the smaller of line 29 or 30. Also, enter this amount on line 3 on the front of this form and complete lines 4 through 11	31	

For the year Jan. 1–Dec. 31, 2012, or other tax year beginning

Your first name M.I. Last name Suffix See separate instructions. MICHAEL S. STENS Your social security number

If a joint return, spouse's first name M.I. Last name Suffix Spouse's social security number DAWN M. MOORE

Home address (number and street). If you have a P.O. box, see instructions. Apt. no. Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). Foreign country name FL Foreign province/state/county Foreign postal code

Filing Status 1 Single 2 Married filing jointly (even if only one had income) 3 Married filing separately. Enter spouse's SSN above and full name here. 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here.

Check only one box. First name Last name SSN 5 Qualifying widow(er) with dependent child

Exemptions 6a Yourself. If someone can claim you as a dependent, do not check box 6a 6b Spouse Boxes checked on 6a and 6b 2 c Dependents: (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) If child under age 17 qualifying for child tax credit (see instructions) No. of children on 6c who: lived with you 2 did not live with you due to divorce or separation (see instructions) Dependents on 6c not entered above 0 d Total number of exemptions claimed Add numbers on lines above 4

Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2 7 100,728 8a Taxable interest. Attach Schedule B if required 8a 8b Tax-exempt interest. Do not include on line 8a 9a Ordinary dividends. Attach Schedule B if required 9a 9b Qualified dividends 10 Taxable refunds, credits, or offsets of state and local income taxes 10 11 Alimony received 11 12 Business income or (loss). Attach Schedule C or C-EZ 12 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here 13 14 Other gains or (losses). Attach Form 4797 14 15a IRA distributions 15a b Taxable amount 15b 16a Pensions and annuities 16a b Taxable amount 16b 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 17 3,911 18 Farm income or (loss). Attach Schedule F 18 19 Unemployment compensation 19 20a Social security benefits 20a b Taxable amount 20b 0 21 Other income. List type and amount 21 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income 22 104,639

Adjusted Gross Income 23 Educator expenses 23 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24 25 Health savings account deduction. Attach Form 8889 25 26 Moving expenses. Attach Form 3903 26 27 Deductible part of self-employment tax. Attach Schedule SE 27 28 Self-employed SEP, SIMPLE, and qualified plans 28 29 Self-employed health insurance deduction 29 30 Penalty on early withdrawal of savings 30 31a Alimony paid b Recipient's SSN 31a 32 IRA deduction 32 33 Student loan interest deduction 33 525 34 Tuition and fees. Attach Form 8917 34 35 Domestic production activities deduction. Attach Form 8903 35 36 Add lines 23 through 31a and 32 through 35 36 525 37 Subtract line 36 from line 22. This is your adjusted gross income 37 104,114

Tax and Credits

38 Amount from line 37 (adjusted gross income) 38 104,114

39a Check You were born before January 2, 1948, Blind. Total boxes checked 39a

if: Spouse was born before January 2, 1948, Blind.

b If your spouse itemizes on a separate return or you were a dual-status alien, check here. 39b

40 Itemized deductions (from Schedule A) or your standard deduction (see left margin) 40 26,250

41 Subtract line 40 from line 38 41 77,864

42 Exemptions. Multiply \$3,800 by the number on line 6d 42 15,200

43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0- 43 62,664

44 Tax (see instructions). Check if any from: a Form(s) 8814 b Form 4972 c 962 election 44 8,531

45 Alternative minimum tax (see instructions). Attach Form 6251 45

46 Add lines 44 and 45 46 8,531

47 Foreign tax credit. Attach Form 1116 if required 47

48 Credit for child and dependent care expenses. Attach Form 2441 48 114

49 Education credits from Form 8863, line 19 49

50 Retirement savings contributions credit. Attach Form 8880 50

51 Child tax credit. Attach Schedule 8812, if required 51 2,000

52 Residential energy credits. Attach Form 5695 52

53 Other credits from Form: a 3800 b 8801 c 53

54 Add lines 47 through 53. These are your total credits 54 2,114

55 Subtract line 54 from line 46. If line 54 is more than line 46, enter -0- 55 6,417

Other Taxes

56 Self-employment tax. Attach Schedule SE 56

57 Unreported social security and Medicare tax from Form: a 4137 b 8919 57

58 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required 58

59a Household employment taxes from Schedule H 59a

b First-time homebuyer credit repayment. Attach Form 5405 if required 59b

60 Other taxes. Enter code(s) from instructions 60

61 Add lines 55 through 60. This is your total tax 61 6,417

Payments

62 Federal income tax withheld from Forms W-2 and 1099 62 12,929

63 2012 estimated tax payments and amount applied from 2011 return 63

64a Earned income credit (EIC) 64a

b Nontaxable combat pay election 64b

65 Additional child tax credit. Attach Schedule 8812 65

66 American opportunity credit from Form 8863, line 8 66

67 Reserved 67

68 Amount paid with request for extension to file 68

69 Excess social security and tier 1 RRTA tax withheld 69

70 Credit for federal tax on fuels. Attach Form 4136 70

71 Credits from Form: a 2439 b Reserved c 8801 d 8885 71

72 Add lines 62, 63, 64a, and 65 through 71. These are your total payments 72 12,929

Refund

73 If line 72 is more than line 61, subtract line 61 from line 72. This is the amount you overpaid 73 6,512

74a Amount of line 73 you want refunded to you. If Form 8888 is attached, check here. 74a 6,512

b Routing number _____ c Type: Checking Savings

d Account number _____

75 Amount of line 73 you want applied to your 2013 estimated tax 75

Amount You Owe

76 Amount you owe. Subtract line 72 from line 61. For details on how to pay, see instructions 76 0

77 Estimated tax penalty (see instructions) 77

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see instructions)? Yes. Complete below. No

Designee's name Preparer Phone no. 386/258-8789 Personal identification number (PIN) 39150

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature _____ Date _____ Your occupation POLICE OFFICER Daytime phone number _____

Spouse's signature. If a joint return, both must sign. _____ Date _____ Spouse's occupation ATTORNEY If the IRS sent you an Identity Protection PIN, enter it here (see Inst.) _____

Paid Preparer Use Only

Print/Type preparer's name LAUREN BAGGERSON Preparer's signature LAUREN BAGGERSON Date 10/10/2013 Check if self-employed PTIN P01272524

Firm's name SPEEDWAY BOOKKEEPING SERVICE INC Firm's EIN 26-4202907

Firm's address 1575 AVIATION CNTR PKW DAYTONA BEACH FL 32114 Phone no. (386) 258-8789

**SCHEDULE A
(Form 1040)**

Itemized Deductions

OMB No. 1545-0074

2012

Attachment Sequence No. **07**

Department of the Treasury
Internal Revenue Service (99)

▶ Information about Schedule A and its separate instructions is at www.irs.gov/form1040.
▶ Attach to Form 1040.

Name(s) shown on Form 1040

MICHAEL S. STENS and DAWN M. MOORE

Your social security number

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30					
Medical and Dental Expenses	Caution. Do not include expenses reimbursed or paid by others.																																			
	1 Medical and dental expenses (see instructions)	1																																		
	2 Enter amount from Form 1040, line 38	2	104,114																																	
	3 Multiply line 2 by 7.5% (.075)	3			7,809																															
4 Subtract line 3 from line 1. If line 3 is more than line 1, enter -0-	4																															0				
Taxes You Paid	5 State and local	5																																		
	a <input type="checkbox"/> Income taxes, or																																			
	b <input checked="" type="checkbox"/> General sales taxes																																			
	6 Real estate taxes (see instructions)	6																																		
	7 Personal property taxes	7																																		
8 Other taxes. List type and amount ▶	8																																			
9 Add lines 5 through 8	9																															4,486				
Interest You Paid	10 Home mortgage interest and points reported to you on Form 1098	10																																		
	11 Home mortgage interest not reported to you on Form 1098. If paid to the person from whom you bought the home, see instructions and show that person's name, identifying no., and address ▶	11																																		
Note. Your mortgage interest deduction may be limited (see instructions).																																				
12 Points not reported to you on Form 1098. See instructions for special rules	12																																			
13 Mortgage insurance premiums (see instructions)	13																																			
14 Investment interest. Attach Form 4952 if required. (See instructions.)	14																																			
15 Add lines 10 through 14	15																																	20,764		
Gifts to Charity	16 Gifts by cash or check. If you made any gift of \$250 or more, see instructions	16																																		
	17 Other than by cash or check. If any gift of \$250 or more, see instructions. You must attach Form 8283 if over \$500	17																																		
	18 Carryover from prior year	18																																		
	19 Add lines 16 through 18	19																																	1,000	
Casualty and Theft Losses	20 Casualty or theft loss(es). Attach Form 4684. (See instructions.)	20																																		
Job Expenses and Certain Miscellaneous Deductions	21 Unreimbursed employee expenses—job travel, union dues, job education, etc. Attach Form 2106 or 2106-EZ if required. (See instructions.) ▶	21																																		
	UNION DUES																																			
	22 Tax preparation fees	22																																		
	23 Other expenses—investment, safe deposit box, etc. List type and amount ▶	23																																		
	24 Add lines 21 through 23	24																																		
	25 Enter amount from Form 1040, line 38	25																																		
26 Multiply line 25 by 2% (.02)	26																																			
27 Subtract line 26 from line 24. If line 26 is more than line 24, enter -0-	27																																			0
Other Miscellaneous Deductions	28 Other—from list in instructions. List type and amount ▶	28																																		
Total Itemized Deductions	29 Add the amounts in the far right column for lines 4 through 28. Also, enter this amount on Form 1040, line 40	29																																		26,250
	30 If you elect to itemize deductions even though they are less than your standard deduction, check here																																			

For Paperwork Reduction Act Notice, see Form 1040 instructions.

HTA

Schedule A (Form 1040) 2012

Name(s) shown on return. Do not enter name and social security number if shown on other side.

MICHAEL S. STENS and DAWN M. MOORE

Your social security number

Caution. The IRS compares amounts reported on your tax return with amounts shown on Schedule(s) K-1.

Part II Income or Loss From Partnerships and S Corporations

Note. If you report a loss from an at-risk activity for which any amount is not at risk, you must check the box in column (e) on line 28 and attach Form 6198. See instructions.

27 Are you reporting any loss not allowed in a prior year due to the at-risk or basis limitations, a prior year unallowed loss from a passive activity (if that loss was not reported on Form 8582), or unreimbursed partnership expenses? If you answered "Yes," see instructions before completing this section. Yes No

Table with 5 columns: (a) Name, (b) Enter P for partnership; S for S corporation, (c) Check if foreign partnership, (d) Employer identification number, (e) Check if any amount is not at risk. Row A: WILLIAMS & MOORE, P.A., S, []

Passive Income and Loss

Nonpassive Income and Loss

Table with 5 columns: (f) Passive loss allowed, (g) Passive income from Schedule K-1, (h) Nonpassive loss from Schedule K-1, (i) Section 179 expense deduction from Form 4562, (j) Nonpassive income from Schedule K-1. Totals: 3,911

Part III Income or Loss From Estates and Trusts

Table with 2 columns: (a) Name, (b) Employer identification number. Rows A and B.

Passive Income and Loss

Nonpassive Income and Loss

Table with 4 columns: (c) Passive deduction or loss allowed, (d) Passive income from Schedule K-1, (e) Deduction or loss from Schedule K-1, (f) Other income from Schedule K-1. Totals: 0

Part IV Income or Loss From Real Estate Mortgage Investment Conduits (REMICs)—Residual Holder

Table with 5 columns: (a) Name, (b) Employer identification number, (c) Excess inclusion from Schedules Q, line 2c, (d) Taxable income (net loss) from Schedules Q, line 1b, (e) Income from Schedules Q, line 3b. Totals: 0

Part V Summary

Summary table with 2 columns: Description, Amount. Line 40: Net farm rental income or (loss) from Form 4835. Line 41: Total income or (loss). Line 42: Reconciliation of farming and fishing income. Line 43: Reconciliation for real estate professionals.

Child and Dependent Care Expenses

1040
1040A
1040NR

OMB No. 1545-0074

2012

▶ Attach to Form 1040, Form 1040A, or Form 1040NR.
▶ Information about Form 2441 and its separate instructions is at www.irs.gov/form2441.

2441

Attachment Sequence No. **21**

Department of the Treasury
Internal Revenue Service (99)

Name(s) shown on return
MICHAEL S. STENS and DAWN M. MOORE

Your social security number
[REDACTED]

Part I **Persons or Organizations Who Provided the Care—You must complete this part.**
(If you have more than two care providers, see the instructions.)

1	(a) Care provider's name	(b) Address (number, street, apt. no., city, state, and ZIP code)	(c) Identifying number (SSN or EIN)	(d) Amount paid (see instructions)
	CITY OF PALM COAST	160 CYPRESS POINT PKWY STE B-106 PALM COAST FL 32164	59-3614294	570

Did you receive dependent care benefits? No Yes
 No → Complete only Part II below.
 Yes → Complete Part III on the back next.

Caution. If the care was provided in your home, you may owe employment taxes. If you do, you cannot file Form 1040A. For details, see the instructions for Form 1040, line 59a, or Form 1040NR, line 58a.

Part II **Credit for Child and Dependent Care Expenses**

2 Information about your **qualifying person(s)**. If you have more than two qualifying persons, see the instructions.

(a) Qualifying person's name		(b) Qualifying person's social security number	(c) Qualified expenses you incurred and paid in 2012 for the person listed in column (a)
First	Last		
BRADY	STENS	[REDACTED]	285
MIA	STENS	[REDACTED]	285

3 Add the amounts in column (c) of line 2. Do not enter more than \$3,000 for one qualifying person or \$6,000 for two or more persons. If you completed Part III, enter the amount from line 31	3	570
4 Enter your earned income . See instructions	4	46,124
5 If married filing jointly, enter your spouse's earned income (if your spouse was a student or was disabled, see the instructions); all others , enter the amount from line 4	5	54,604
6 Enter the smallest of line 3, 4, or 5	6	570

7 Enter the amount from Form 1040, line 38; Form 1040A, line 22; or Form 1040NR, line 37 **7** | 104,114 |

8 Enter on line 8 the decimal amount shown below that applies to the amount on line 7

If line 7 is:			If line 7 is:		
Over	But not over	Decimal amount is	Over	But not over	Decimal amount is
\$0—15,000		.35	\$29,000—31,000		.27
15,000—17,000		.34	31,000—33,000		.26
17,000—19,000		.33	33,000—35,000		.25
19,000—21,000		.32	35,000—37,000		.24
21,000—23,000		.31	37,000—39,000		.23
23,000—25,000		.30	39,000—41,000		.22
25,000—27,000		.29	41,000—43,000		.21
27,000—29,000		.28	43,000—No limit		.20

9 Multiply line 6 by the decimal amount on line 8. If you paid 2011 expenses in 2012, see the instructions

8 | X | 0.20

10 Tax liability limit. Enter the amount from the Credit Limit Worksheet in the instructions

10 | 8,531 |

9 | 114 |

11 **Credit for child and dependent care expenses.** Enter the **smaller** of line 9 or line 10 here and on Form 1040, line 48; Form 1040A, line 29; or Form 1040NR, line 46

11 | 114 |

For Paperwork Reduction Act Notice, see your tax return instructions.

HTA

Part III Dependent Care Benefits

12	Enter the total amount of dependent care benefits you received in 2012. Amounts you received as an employee should be shown in box 10 of your Form(s) W-2. Do not include amounts reported as wages in box 1 of Form(s) W-2. If you were self-employed or a partner, include amounts you received under a dependent care assistance program from your sole proprietorship or partnership.		
13	Enter the amount, if any, you carried over from 2011 and used in 2012 during the grace period. See instructions.		
14	Enter the amount, if any, you forfeited or carried forward to 2013. See instructions.		
15	Combine lines 12 through 14. See instructions.		0
16	Enter the total amount of qualified expenses incurred in 2012 for the care of the qualifying person(s) .	16	
17	Enter the smaller of line 15 or 16.	17	0
18	Enter your earned income . See instructions.	18	
19	Enter the amount shown below that applies to you. <ul style="list-style-type: none"> • If married filing jointly, enter your spouse's earned income (if your spouse was a student or was disabled, see the instructions for line 5). • If married filing separately, see instructions. • All others, enter the amount from line 18. 	19	
20	Enter the smallest of line 17, 18, or 19.	20	0
21	Enter \$5,000 (\$2,500 if married filing separately and you were required to enter your spouse's earned income on line 19).	21	5,000
22	Is any amount on line 12 from your sole proprietorship or partnership? (Form 1040A filers go to line 25.) <input checked="" type="checkbox"/> No. Enter -0-. <input type="checkbox"/> Yes. Enter the amount here.	22	0
23	Subtract line 22 from line 15.	23	0
24	Deductible benefits. Enter the smallest of line 20, 21, or 22. Also, include this amount on the appropriate line(s) of your return. See instructions.	24	0
25	Excluded benefits. Form 1040 and 1040NR filers: If you checked "No" on line 22, enter the smaller of line 20 or 21. Otherwise, subtract line 24 from the smaller of line 20 or line 21. If zero or less, enter -0-. Form 1040A filers: Enter the smaller of line 20 or line 21.	25	0
26	Taxable benefits. Form 1040 and 1040NR filers: Subtract line 25 from line 23. If zero or less, enter -0-. Also, include this amount on Form 1040, line 7; or Form 1040NR, line 8. On the dotted line next to Form 1040, line 7; or Form 1040NR, line 8, enter "DCB." Form 1040A filers: Subtract line 25 from line 15. Also, include this amount on Form 1040A, line 7. In the space to the left of line 7, enter "DCB".	26	0

To claim the child and dependent care credit, complete lines 27 through 31 below.

27	Enter \$3,000 (\$6,000 if two or more qualifying persons)	27	0
28	Form 1040 and 1040NR filers: Add lines 24 and 25. Form 1040A filers: Enter the amount from line 25.	28	0
29	Subtract line 28 from line 27. If zero or less, stop . You cannot take the credit. Exception. If you paid 2011 expenses in 2012, see the instructions for line 9.	29	0
30	Complete line 2 on the front of this form. Do not include in column (c) any benefits shown on line 28 above. Then, add the amounts in column (c) and enter the total here.	30	0
31	Enter the smaller of line 29 or 30. Also, enter this amount on line 3 on the front of this form and complete lines 4 through 11.	31	0

