

**IN THE CIRCUIT COURT OF THE 16TH  
JUDICIAL CIRCUIT OF FLORIDA, IN  
AND FOR MONROE COUNTY**

**THOMAS F. COLLINS and PATRICIA COLLINS,  
T/E; DONALD DAVIS; AURELIA DEL VALLE and  
MARIA DEL VALLE, T/E; HILL FAMILY  
INVESTMENTS, INC.; RICHARD J. JOHNSON and  
JOANN C. JOHNSON, T/E; ROBERT A.  
LOMRANCE; JOSEPH MAGRINI and ELDA S.  
MAGRINI, T/E; KEITH P. RADENHAUSEN; FRANK  
J. SCHNEIDER, MARY ANN RICKLIN, and  
ROSEMARY RIORDAN, T/C; HUBERT TOST and  
MARILYN TOST, T/E., and SAMUEL I. BURSTYN,  
P.A.**

**Plaintiffs,**

**vs.**

**MONROE COUNTY, a Political Subdivision of the  
State of Florida,**

**Defendant.**

**CASE NO. CA-M-04-379**

**FIRST AMENDED COMPLAINT IN INVERSE CONDEMNATION**

Plaintiffs sue Defendant MONROE COUNTY, a political subdivision of the State of Florida, and allege the following.

1. This is an action regarding real property in unincorporated Monroe County, Florida, located in all three divisions of the 16<sup>th</sup> Judicial Circuit. 16<sup>th</sup> Jud. Cir. Admin. Order 2.025.

2. This is an action for full compensation for the Temporary and Permanent Regulatory Taking of Plaintiffs' properties, pursuant to Art. X, § 6(a), Fla. Const., in excess of \$15,000.01, exclusive of attorneys' fees, interest, and costs.

3. This is an equitable action in eminent domain pursuant to Chapter 73, Florida Statutes, to determine the compensation due Plaintiffs for the Regulatory Taking of their property.

**Parties**

4. Plaintiffs SAMUEL I. BURSTYN, P.A., and HILL FAMILY INVESTMENTS, INC., are Florida corporations.

5. Plaintiffs THOMAS COLLINS, PATRICIA COLLINS, DONALD DAVIS, AURELIA DEL VALLE, MARIA DEL VALLE, RICHARD JOHNSON, JOANN JOHNSON, ROBERT A. LOMRANCE, JOSEPH MAGRINI, ELDA S. MAGRINI, KEITH P. RADENHAUSEN, FRANK J. SCHNEIDER, MARY ANN RICKLIN, ROSEMARY RIORDAN, HUBERT TOST, and MARILYN TOST are individuals over the age of 18 years.

6. The Board of Commissioners of Monroe County, Florida (“BOCC”) is the governing body of Defendant, and is the sole administrative body that makes the final determination whether, and to what extent, a property owner can develop a parcel of land in the Florida Keys. Section 9.5-174, Monroe County Code. Said decisions of the BOCC are final decisions of Defendant.

### **Subject Properties**

7. Plaintiff SAMUEL I. BURSTYN, P.A., is the owner of Lot 11, Block 9, Center Island Duck Key, according to the plat thereof recorded in Plat Book 5, Page 82, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Number 381090. Plaintiff SAMUEL I. BURSTYN, P.A., purchased said property in 1986.

8. Plaintiffs THOMAS F. COLLINS and PATRICIA COLLINS are the owners, as tenants by the entirety, of Lots 1 and 2, Doctor’s Arm Third Addition Section A, according to the plat thereof recorded in Plat Book 6, Page 39, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Numbers 312571-0002 and 312571-0003. Plaintiffs purchased Lot 1 in 1991 and Lot 2 in 1987.

9. Plaintiff DONALD DAVIS is the owner of Lot 38, Doctor’s Arm Third Addition Section A, according to the plat thereof recorded in Plat Book 6, Page 39, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Number 312572-0039. Plaintiff purchased said property in 1982.

10. Plaintiffs AURELIA DEL VALLE and MARIA DEL VALLE are the owners, as tenants by the entirety, of Lot 24, Block 10, Center Island Duck Key, according to the plat thereof

recorded in Plat Book 5, Page 82, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Number 381440. Plaintiffs purchased said property in 1990.

11. Plaintiff HILL FAMILY INVESTMENTS, INC., is the owner of Lots 1, 21, and 22, Block 9, Thompson's Subdivision, according to the plat thereof recorded in Plat Book 1, Page 147, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Number 441780. Plaintiff HILL FAMILY INVESTMENTS, INC., is the successor-in-interest to JACK HILL and DOROTHY HILL, who purchased the subject lots in 1984. The subject lots were transferred to Plaintiff HILL FAMILY INVESTMENTS, INC., in 1999.

12. Plaintiffs RICHARD J. JOHNSON and JOANN C. JOHNSON are the owners, as tenants by the entireties, of Lot 1, Block 12, and Lot 10, Block 11, Tropical Bay Third Addition, according to the plat thereof recorded in Plat Book 5, Page 81, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Numbers 314250 and 314220. Plaintiffs purchased Lot 1 in 1990 and Lot 10 in 1986.

13. Plaintiff ROBERT LOMRANCE is the owner of Lots 13, 14, 15, and 16, Block 2, Rainbow Beach Estates, according to the plat thereof recorded in Plat Book 1, Page 164, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Numbers 234650, 234660, 234670, and 234680. Plaintiff purchased the Subject Property in 1981.

14. Plaintiffs JOSEPH MAGRINI and ELDA S. MAGRINI are the owners, as tenants by the entireties, of Lot 21, Block 4, Pine Channel Estates Section Two, according to the plat thereof recorded in Plat Book 6, Page 2, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Number 312572-0039. Plaintiffs purchased the Subject Property in 1994.

15. Plaintiff KEITH P. RADENHAUSEN is the owner of Lot 6, Block 37, Port Pine Heights Second Addition, according to the plat thereof recorded in Plat Book 4, Page 167, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Number 293150. Plaintiff purchased the Subject Property in 1989.

16. Plaintiffs FRANK J. SCHNEIDER, MARY ANN RICKLIN and ROSEMARY RIORDAN are the owners, as tenants in common, of Lots 1 and 2, Block 4, Silver Shores Estates, according to the plat thereof recorded in Plat Book 4, Page 111, of the Public Records of Monroe County, Florida, and identified by Monroe County Real Estate Numbers 211240 and 211250. Plaintiffs are the heirs of Robert J. Schneider, who purchased the Subject Property in 1964.

17. Plaintiffs HUBERT TOST and MARILYN TOST are the owners, as tenants by the entireties, of an unimproved 8.8± acre tract in part of Government Lot 2, Sec. 25, Twp. 66S, Range 28E, on Summerland Key, and identified by Monroe County Real Estate Number 114550-0001. Plaintiffs purchased the Subject Property in 1969.

**Plaintiffs have been Deprived of All Beneficial Use of the Subject Properties**

18. Plaintiff SAMUEL I. BURSTYN, P.A., applied for a Beneficial Use determination on the subject Lot identified in Paragraph 7 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 3, 1997. On March 20, 2002, by Official Resolution 105-2002, Defendant BOCC rendered the following final decision as to the subject Lot owned by Plaintiff SAMUEL I. BURSTYN, P.A.

The Findings of Fact and Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is just compensation by purchase of the Lot in accordance with the applicable provisions of the Plan and the Code.

19. Plaintiffs THOMAS F. COLLINS and PATRICIA COLLINS applied for Beneficial Use determinations on the subject Lots identified in Paragraph 7 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 2, 1997. On July 17, 2002, by Official Resolution 305-2002, the BOCC rendered the following final decision as to the subject Lots owned by Plaintiffs THOMAS F. COLLINS and PATRICIA COLLINS.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is Just Compensation by purchase of the lot in accordance with the applicable provisions of the Plan and the Code.

20. Plaintiff DONALD DAVIS applied for a Beneficial Use determination on the subject Lot identified in Paragraph 8 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 3, 1997. On July 17, 2002, by Official Resolution 305-2002, the BOCC rendered the following final decision as to the subject Lot owned by Plaintiff DONALD DAVIS.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is Just Compensation by purchase of the lot in accordance with the applicable provisions of the Plan and the Code.

21. Plaintiffs AURELIA DEL VALLE and MARIA DEL VALLE applied for Beneficial Use determinations on the subject Lot identified in Paragraph 9 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 2, 1997. On March 20, 2002, by Official Resolution 102-2002, the BOCC rendered the following final decision as to the subject Lot owned by Plaintiffs AURELIA DEL VALLE and MARIA DEL VALLE.

The Findings of Fact and Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is Just Compensation by purchase of the Lot in accordance with the applicable provisions of the Plan and the Code.

22. JACK HILL and DOROTHY HILL, the immediate predecessors-in-title of Plaintiff HILL FAMILY INVESTMENTS, INC., applied for a Beneficial Use determination on the subject Lots identified in Paragraph 10 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 3, 1997. On March 17, 2004, by Official Resolution 130-2004, the BOCC rendered the following final decision as to the subject Lots owned by Plaintiff HILL FAMILY INVESTMENTS, INC.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination, dated May 1, 2003, are APPROVED. It is determined in accordance with the provisions of Section 9.5-171 of the Code, the applicant has been deprived of all economic use of their property by the operation of the Plan and Land Development Regulations of the Code, and that the appropriate remedial action is Just Compensation by purchase of the lot, to the extent that it is above mean high water, in accordance with the applicable provisions of the Plan and the Code.

23. The three Lots owned by Plaintiff HILL FAMILY INVESTMENTS, INC., and identified in Paragraph 11 above, are located entirely above mean high water.

24. Plaintiffs RICHARD J. JOHNSON and JOANN C. JOHNSON applied for Beneficial Use determinations on the subject Lots identified in Paragraph 11 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 3, 1997. On July 17, 2002, by Official Resolution 305-2002, the BOCC rendered the following final decision as to the subject Lots owned by Plaintiffs RICHARD J. JOHNSON and JOANN C. JOHNSON.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is Just Compensation by purchase of the lot in accordance with the applicable provisions of the Plan and the Code.

25. Plaintiff ROBERT A. LOMRANCE applied for Beneficial Use determinations on the subject Lots identified in Paragraph 12 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 2 or 3, 1997. On March 17, 2004, by Official Resolution 126-2004, the BOCC rendered the following final decision as to the subject Lots owned by Plaintiff ROBERT A. LOMRANCE.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination, dated May 2, 2003, are APPROVED. It is determined in accordance with the provisions of Section 9.5-171 of the Code, the applicant has been deprived of all economic use of their property by the operation of the Plan and Land Development Regulations of the Code, and that the appropriate remedial action is Just Compensation by purchase of the lots in accordance with the applicable provisions of the Plan and the Code.

26. Plaintiffs JOSEPH MAGRINI and ELDA S. MAGRINI applied for a Beneficial Use determination on the subject Lot identified in Paragraph 13 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 3, 1997. On July 17, 2002, by Official Resolution 305-2002, the BOCC rendered the following final decision as to the subject Lot owned by Plaintiffs JOSEPH MAGRINI and ELDA S. MAGRINI.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is Just Compensation by purchase of the lot in accordance with the applicable provisions of the Plan and the Code.

27. Plaintiff KEITH P. RADENHAUSEN applied for a Beneficial Use determination on the subject Lot identified in Paragraph 14 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 2, 1997. On July 17, 2002, by Official Resolution 305-2002, the BOCC rendered the following final decision as to the subject Lot owned by Plaintiff KEITH P. RADENHAUSEN.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination are APPROVED and it is determined that the applicant has been deprived of all economic use of their property and that the appropriate remedial action is Just Compensation by purchase of the lot in accordance with the applicable provisions of the Plan and the Code.

28. ROBERT J. SCHNEIDER, from whom Plaintiffs FRANK J. SCHNEIDER, MARY ANN RICKLIN, and ROSEMARY RIORDAN inherited the subject Lots identified in Paragraph 15 above, applied for a Beneficial Use determination on said property, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 2, 1997. On March 17, 2004, by Official Resolution 123-2004, the BOCC rendered the following final decision as to the subject Lots owned by Plaintiffs FRANK J. SCHNEIDER, MARY ANN RICKLIN, and ROSEMARY RIORDAN.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination, dated May 1, 2003, are APPROVED. It is determined in accordance with the provisions of Section 9.5-171 of the Code, the applicant has been deprived of all economic use of their property by the operation of the Plan and Land Development Regulations of the Code, and that the appropriate remedial action is Just Compensation by purchase of the lot, to the extent that it is above mean high water, in accordance with the applicable provisions of the Plan and the Code.

29. Plaintiffs HUBERT TOST and MARILYN TOST applied for a Beneficial Use determination on the Subject Property identified in Paragraph 16 above, pursuant to Policy 101.18.5 of the Monroe County Year 2010 Comprehensive Plan, on January 2, 1997. On March 17, 2004, by Official Resolution 125-2004, the BOCC rendered the following final decision as to the Subject Property owned by Plaintiffs HUBERT TOST and MARILYN TOST.

The Findings of Fact, Conclusions of Law and recommendations of the Special Master as set forth in the Proposed Beneficial Use Determination, dated May 2, 2003, are APPROVED. It is determined in accordance with the provisions of Section 9.5-171 of the Code, the applicant has been deprived of all economic use of their property by the operation of the Plan and Land Development Regulations of the Code, and that the appropriate

remedial action is Just Compensation by purchase of the lot, to the extent that it is above mean high water, in accordance with the applicable provisions of the Plan and the Code.

### **Plaintiffs' Claims are Ripe for Judicial Review**

30. The BOCC's March 20, 2002, July 17, 2002, and March 17, 2004 Resolutions, set forth in part in paragraphs 17-20 and 22-27 above, constitute final determinations of what Defendant will permit Plaintiffs to do with their property under the Monroe County Comprehensive Plan, Land Development Regulations, and other Ordinances.

31. In the BOCC Resolution applicable to each Plaintiff, Defendant has determined that each Plaintiff has been deprived of all beneficial use of their property by the operation of the Plan and Land Development Regulations of the Code.

32. Defendant has neither offered nor paid Plaintiffs Fair Market Value for their Subject Properties.

33. Plaintiffs' Taking claims are ripe for judicial review. *Williamson County Regional Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985).

### **COUNT 1 – Temporary Regulatory Taking**

34. Plaintiffs re-allege Paragraphs 4 through 33 as if set forth herein.

35. The application of a general zoning law to particular property effects a Taking if the ordinance does not substantially advance legitimate state interests, see *Nectow v. Cambridge*, 277 U.S. 183, 188 (1928), or denies an owner economically viable use of his land, see *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 138, n. 36 (1978). *Agins v. City of Tiburon*, 447 U.S. 255 (1980).

36. The time between Plaintiffs' applications for Beneficial Use Determinations and the Defendant's final decisions thereon varied from 5.2 to 7.2 years.

37. The regulations cited by Defendant, in its Resolutions stating Plaintiffs had been deprived of all beneficial use of the Subject Properties, did not materially change between the dates Plaintiffs applied for said determinations and the dates Defendant rendered same.

38. Taking five to seven years to render a Beneficial Use Determination is not a “normal permitting delay,” as that phrase was used by the U.S. Supreme Court in *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304 (1987).

39. A five to seven year delay in rendering a Beneficial Use Determination does not substantially advance a legitimate state interest. *Agins v. City of Tiburon*, 447 U.S. 255 (1980).

40. Temporary Regulatory Takings of Plaintiffs’ Subject Properties began on the dates Plaintiffs applied for Beneficial Use Determinations.

41. Plaintiffs are entitled to Just Compensation from January 3, 1997, until the Temporary Taking ends, which will occur when Monroe County either acquires the fee simple title to, or rescinds the offending regulations and allows the development of, the Subject Properties.

42. The compensation to which Plaintiffs are entitled is the full and perfect equivalent of the property taken. *Monongahela Navigation Co. v. United States*, 148 U.S. 312 (1893). This compensation rests on equitable principles and it means substantially that the owner shall be put in as good position pecuniarily as he would have been if his property had not been taken. *Seaboard Air Line Ry. Co. v. United States*, 261 U.S. 299 (1923).

43. Defendant is liable to Plaintiffs for Just Compensation for the aforesaid Temporary Regulatory Takings in an amount equal to the Market Rate of Return Plaintiffs could have earned on a sum of money equal to the Fair Market Value each property would have had on January 3, 1997, to be determined by a 12-person jury as if there were no Monroe County regulations impeding the immediate development of each Subject Property at its Highest and Best Use, nor any restrictions imposed by any other governmental body acting in collaboration with, or at the request of, Monroe County, minus the Fair Market Value of each property on January 4, 1997, as encumbered by the regulations cited by Defendant as having deprived Plaintiffs of all beneficial use, said Market Rate of Return to be compounded annually until the Temporary Takings of said properties have ended and Plaintiffs have been paid.

## **COUNT 2 – Permanent Regulatory Taking**

44. Plaintiffs re-allege Paragraphs 4 – 33 and 35 – 42 as if set forth herein.

45. Defendant is liable to Plaintiffs for Just Compensation for a Permanent Regulatory Taking of Plaintiffs' properties identified in Paragraphs 7-17 above. *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978); *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). Said compensation is equal to the Fair Market Value of the Subject Properties as on the date of the trial in this action, or the date Defendant acquires fee simple title to the Subject Properties, whichever occurs first, said Fair Market Value to be determined by a 12-person jury as if there were no Monroe County regulations impeding the immediate development of each properties at its highest and best use, nor any restrictions imposed by any other governmental body acting in collaboration with, or at the request of, Monroe County.

### **COUNT 3 – Post-Temporary Taking Expenses**

46. Plaintiffs re-allege Paragraphs 4 – 33 and 35 – 42 as if set forth herein.

47. Defendant is liable to Plaintiffs for all expenses incurred by Plaintiffs that would not have incurred had Monroe County acquired title and paid full compensation therefor on January 3, 1997, including property taxes, special assessments, and other expenses, plus delay damages calculated at the Market Rate of Return that Plaintiffs could have obtained on said sums of money from the date each such expense was incurred until the date of payment, compounded annually.

### **Attorneys' and Expert Witness Fees**

48. Plaintiffs have retained attorneys James S. Mattson and Andrew M. Tobin to represent them in this case, and are obligated to pay said attorneys for their services. Defendant is liable to Plaintiffs for attorneys' fees, expert witness fees, pursuant to Chapter 73, Fla. Stat., and for the costs of this action pursuant to the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions.

### **Nonfinal Order on Liability and Determination of Compensation**

49. Plaintiffs are entitled to a nonfinal order stating: (a) that Monroe County's regulations have effected a Regulatory Taking of the Subject Properties without Just Compensation, (b) that Defendant's regulations have deprived Plaintiffs of all beneficial use of the Subject Properties,

(c) the date the Temporary Regulatory Taking began, which date shall be used for valuation purposes, and (d) setting Plaintiffs' Just Compensation claims for trial before a 12-person jury, at which trial the jury will determine the Fair Market Values of the Subject Properties on the date the Temporary Takings began, with and without the offending regulations, Plaintiffs' compensable post-Temporary Taking expenses and the dates incurred, and the properties' Fair Market Values on the date of trial or the date Defendant acquired fee simple title to the Subject Properties, whichever occurred first. The valuation proceeding is to held in accordance with Chapters 73 and 74, Florida Statutes, and the process is the same as if the cause were a statutory eminent domain proceeding. *Foster v. City of Gainesville*, 579 So. 2d 774 (Fla. 1st DCA 1991).

50. Plaintiffs are entitled to have the Court determine Plaintiffs' Temporary Taking damages by applying a Market Rate of Return to the difference in Fair Market Values, with and without the offending regulations, on the date the Temporary Taking began, and delay damages for Plaintiffs' compensable post-Temporary Taking expenses beginning on the dates the expenses were incurred, and compounded annually until Plaintiffs have been paid.

### **Relief Sought**

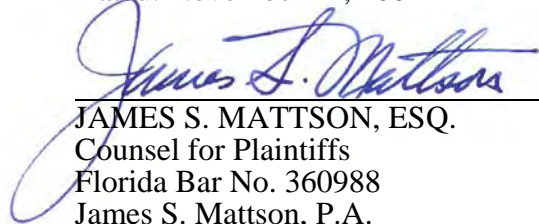
WHEREFORE, the foregoing considered, Plaintiffs respectfully pray that this Court:

- (a) accept jurisdiction of the parties and subject matter herein;
- (b) render a nonfinal Order on Liability, finding:
  - (i) Defendant liable to Plaintiffs for Just Compensation for Temporary Regulatory Takings of Plaintiffs' Subject Properties;
  - (ii) the date(s) of beginning of the Temporary Regulatory Takings;
  - (iii) Defendant liable to Plaintiffs for Permanent Regulatory Takings of Plaintiffs' Subject Properties as of the of trial or the date Defendant acquires fee simple title to said properties;
  - (iv) Defendant liable to Plaintiffs for post-Taking expenses and delay damages thereon, and
  - (v) Defendant liable to Plaintiffs for attorneys' and expert witness' fees, pursuant to Chapter 73, Fla. Stat., as prayed for herein;
- (c) Empanel a 12-person jury determine the Fair Market Values of Plaintiffs' Subject Properties as of the date of beginning of the Temporary Regulatory Takings, and the

Fair Market Values of the Subject Properties as of the date of trial or the date Defendant acquires fee simple title to said properties, whichever occurs first;

- (d) grant Plaintiffs such other and further relief as may be just, and
- (e) award Plaintiffs the costs of this action pursuant to the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions.

Dated: November 22, 2004

  
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### **Certificate of Service**

I certify that I served a copy of the foregoing First Amended Complaint in Inverse Condemnation on Richard Collins, Esq., Monroe County Attorney, P.O. Box 1026, Key West, FL 33041-1026, by first-class mail, postage prepaid, this 3<sup>rd</sup> day of December 2004.

  
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JAMES S. MATTSON, ESQ