

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

MARY LOU SMITH, an individual,
and SHARON DENSON, an individual,

Plaintiffs,

v.

CASE NO. 08 CA 11315

TRAILER ESTATES PARK AND
RECREATION DISTRICT, etc., et al.,

Defendants.

TRAILER ESTATES'S MOTION TO TAX APPELLATE COSTS

Defendant Trailer Estates Park And Recreation District ("Trailer Estates") moves, pursuant to Florida Rule of Appellate Procedure 9.400, for an award of appellate costs from Plaintiffs, jointly and severally, and, as grounds therefor, states as follows:

1. Trailer Estates secured a judgment in this action against Plaintiffs.
2. Plaintiffs appealed the judgment.
3. On December 16, 2011, the Florida Second District Court of Appeal affirmed the trial court's judgment.
4. Trailer Estates is the prevailing party on the appeal and is entitled to recover its taxable appellate costs from Plaintiffs, Mary Lou Smith and Sharon Denson.
5. Trailer Estates seeks to recover from Plaintiffs, jointly and severally, the \$2,282.00 charge it paid the Clerk of Court, on or about March 22, 2011, for preparation of the record in this action. *See Fla. R. App. P. 9.400(a)(2)*.
6. This motion is being served and filed within 30 days from the date the appellate court issued its decision in this action.

WHEREFORE, Trailer Estates respectfully requests that this Court enter an order:

- A. awarding Trailer Estates its appellate costs;
- B. taxing Trailer Estates's appellate costs against Plaintiffs, jointly and severally; and,
- C. granting Trailer Estates such further and additional relief as this cause and justice may require.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been sent by U.S. Mail to Kevin S. Hennessy, Esq., Lewis, Longman & Walker, P.A., 1001 Third Avenue West, Suite 670, Bradenton, Florida 34205, on this 23rd day of December, 2011.

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