

IN THE CIRCUIT COURT IN AND FOR WALTON COUNTY, FLORIDA

HERBERT FISCHER and
BETTY FISCHER,

Plaintiffs,
vs.

JAMES MCMILLAN,
CARY MCMILLAN,
and AMBER HUEY,

Defendants.

INSTR # 1228444
OR BK 2913 Pages 1858 - 1863
RECORDED 02/28/13 13:57:47
ALEX ALFORD, WALTON COUNTY
CLERK OF COURT
DEPUTY CLERK D BROOKS
#1

Case 10 CA 741

FILED
WALTON CO FLORIDA
CLERK OF COURTS
2013 FEB 27 P 3:14

FINAL JUDGMENT

This action was tried before the Court on October 29, 2012, and January 22, 2013, and having considered evidence and arguments of the parties,

THE COURT FINDS:

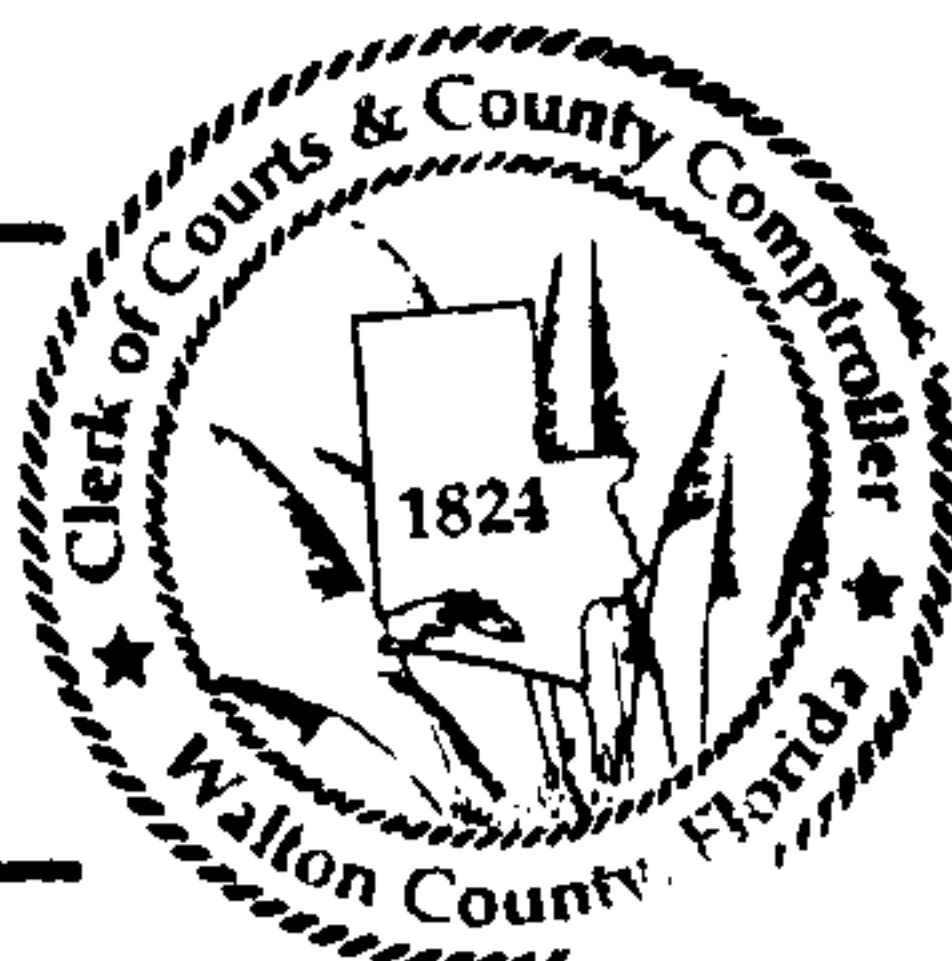
1. Defendants entered into a sales contract (the "Contract") with Plaintiffs (the "Fischers") in which Defendants sold 82 Clareon Drive (the "House") to the Fischers (the "Sale").
2. Prior to the Sale, the House had numerous material defects that affected its value.
3. During the Sale, Defendants falsely stated in the Seller's Real Property Disclosure Statement (the "Disclosure") that the roof had no defects, the roof had never leaked, nothing had been done to correct the leaks, and there were no material defects (the "Statements").
4. Defendants knew the Statements were false at the time they made them.
5. Defendants intended for the Fischers to rely and act on the false Statements during the Sale.
6. Defendants Cary McMillan and Amber Huey signed powers of attorney and authorized Defendant James McMillan to act as their agent regarding the House and the Sale.
7. The Fischers justifiably relied on the Statements and the defects relating to the Statements were not readily observable by nor known to the Fischers.
8. The Fischers suffered damages as a result of the Statements.


CERTIFIED A TRUE COPY

03/17/2014

ALEX ALFORD
CLERK OF COURTS &
COUNTY COMPTROLLER
WALTON COUNTY, FLORIDA

BY 
DEPUTY CLERK




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Shelby Cnty Judge of Probate, AL
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IT IS ADJUDGED:

9. Final Judgment is hereby entered against defendants James McMillan, Cary McMillan, and Amber Huey f/k/a Amber McMillan on all counts of the Complaint, including breach of contract, fraud (without punitive damages), and failure to disclose.

10. The Fischers shall recover from Defendants, jointly and severally, the following:

- a. the sum of \$231,802 for repair costs,
- b. the sum of \$112,100 for lost rental income, and
- c. the sum of \$50,000 for diminution in property value.

11. The total damages amount is \$393,902.

12. This sum shall bear interest from the date of this Final Judgment at the rate of 4.75% per annum, subject to adjustment as provided in Fla. Stat. § 55.03.

13. For all of the above let execution issue.

14. This judgment shall be recorded.

15. Each of the Defendants shall complete under oath the attached Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the Fischers' attorney at 238 Miracle Strip Pkwy SW, Fort Walton Beach, FL 32548, within 45 days from the date of this Final Judgment. Failure to comply with this requirement may be considered contempt of court.

16. This Court retains jurisdiction of this case to enter further orders proper to compel Defendants to complete form 1.977, including all required attachments, and serve it on the Fischers' attorney.

17. The court reserves jurisdiction for determining an award of attorney fees and costs in favor of the Fischers.

ORDERED at DeFuniak Springs, Florida on 2-27-, 2013.



Judge Kelvin C. Wells



Plaintiffs' address: 3907 Dublin Road, Parker, TX 75002
Defendants' addresses: James McMillan and Cary McMillan at 8987 Stoneridge Place,
Montgomery, AL 36117; Amber Huey at 1532 19th Street South, Birmingham, AL 35205

Copies to:

Michael H. Crew	Amber Huey	James McMillan
Crew & Crew, P.A.	f/k/a Amber McMillan	Cary McMillan
238 Miracle Strip Pkwy. SW	1532 19 th Street South	8987 Stoneridge Place
Fort Walton Beach, FL 32548	Birmingham, AL 35205	Montgomery, AL 36117

Alex Alford, Clerk of Circuit Court

on February 28, 2013.

By:

Sharla Hae
Deputy Clerk



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Shelby Cnty Judge of Probate, AL
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IN THE CIRCUIT COURT IN AND FOR WALTON COUNTY, FLORIDA

HERBERT FISCHER and
BETTY FISCHER,

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Case 10 CA 741


JAMES MCMILLAN, etc.,

Defendants.
_____ /

FACT INFORMATION SHEET
Form 1.977 - Individual

Full Legal Name:	
Nicknames or Aliases:	
Residence Address:	
Mailing Address (if different):	
Telephone Numbers: (Home)	(Business)
Name of Employer:	
Address of Employer:	
Position or Job Description:	
Rate of Pay: \$	per Average Paycheck: \$ per
Average Commissions or Bonuses: \$ per	
Commissions or bonuses are based on:	
Other Personal Income: \$ from	
(Explain details on the back of this sheet or an additional sheet if necessary.)	
Social Security Number:	Birthdate:
Driver's License Number:	
Marital Status: Spouse's Name:	

Names and Ages of All Your Children (and addresses if not living with you):	
Child Name:	Age:
Child Name:	Age:
Child Support or Alimony Paid: \$ per	


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Shelby Cnty Judge of Probate, AL
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Names of Others You Live With:	
Who is Head of Your Household? <input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Other Person	
Checking Account at:	Account #
Savings Account at:	Account #
For Real Estate (land) You Own or Are Buying:	
Address:	
All Names on Title:	
Mortgage Owed to:	
Balance Owed:	
Monthly Payment: \$	
<i>(Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)</i>	

For All Motor Vehicles You Own or Are Buying:			
Year:	Make:	Model:	Color:
Vehicle ID #:	Tag No:	Mileage:	
Names on Title:		Present Value: \$	
Loan Owed to:			
Balance on Loan: \$			
Monthly Payment: \$			
<i>(List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)</i>			

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If your answer is "yes," describe the property, market value, and sale price, and give the name and address of the person who received the property.</i>
Does anyone owe you money?
Amount Owed: \$
Name and Address of Person Owning Money:
Reason money is owed:

<p align="center"><i>Please attach copies of the following:</i></p> <p>a. Your last pay stub.</p> <p>b. Your last 3 statements for each bank, savings, credit union, or other financial account.</p> <p>c. Your motor vehicle registrations and titles.</p> <p>d. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.</p> <p>e. Your financial statements, loan applications, or lists of assets and liabilities submitted to any person or entity within the last three years.</p> <p>f. Your last two income tax returns filed.</p>
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**UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM
THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE**

Judgment Debtor

STATE OF _____ }


COUNTY OF _____ }

Sworn to (or affirmed) and subscribed before me on _____, 2013, by _____, who (check one): ☐ is personally known to me or ☐ produced _____ as identification.

Notary Stamp:

Signature of Notary

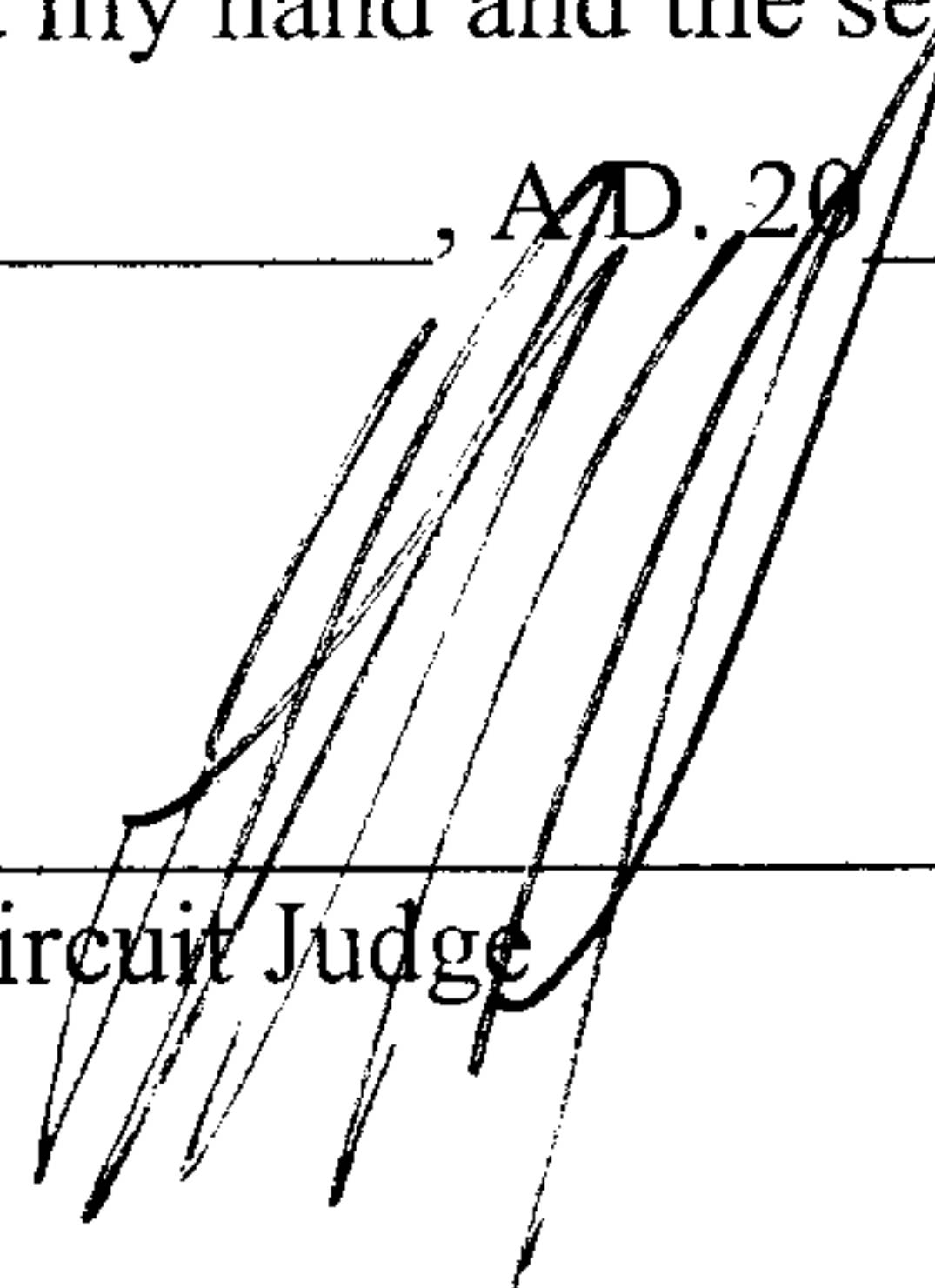
THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY.


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 Shelby Cnty Judge of Probate, AL
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STATE OF FLORIDA
COUNTY OF WALTON

I, Kelvin C. Wells, Circuit Judge of the First Judicial Circuit in and for Walton County, Florida, do hereby certify that Alex Alford is Clerk of the Circuit Court, same being a court of record in and for said county, and that all her official acts as such are entitled to full faith and credit.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court, this 17th day of March, A.D. 2014.



Circuit Judge

STATE OF FLORIDA
COUNTY OF WALTON

I, Alex Alford, Clerk of the Circuit Court, the same being a court of record in and for said county, do hereby certify that Kelvin C. Wells, is a Circuit Judge of the First Judicial Circuit of Florida in and for Walton County, and that all his official acts as such are entitled to full faith and credit.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court, this 17th day of March, A.D. 2014.



Clerk of the Circuit Court

