

IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

BOARD OF COLLIER COMMISSIONERS
OF COLLIER COUNTY, FLORIDA
on behalf of COLLIER COUNTY,
a Political Subdivision of the State of Florida,
Plaintiff,

Vs.

CASE NO: 07-1056CA

DWIGHT E. BROCK, CLERK OF THE
CIRCUIT COURT OF COLLIER COUNTY,
FLORIDA,
Defendant,

Filed in Open Court
Date: 6/18/08
Clerk of Court
By: [Signature] D.C.

Amended
ORDER GRANTING COLLIER COUNTY'S
MOTION FOR PARTIAL SUMMARY JUDGMENT

THIS CAUSE having come before the Court, upon Collier County's Motion for Partial Summary Judgment, and having reviewed the motion and after hearing where both parties were represented, it is hereby:

ORDERED, ADJUDGED and DECREED as follows:

1. As to count three of Collier Counties Amended Complaint, concerning investment income and whether that income is considered the counties income or whether it by statute accrues to the Clerk of the Court is hereby Granted in favor of Collier County;
2. There is a pending suit concerning prior years as to whether the Clerk of Courts was a fee officer or budget officer, however both parties have agreed the Clerk of Courts is a fee officer for this year and is a fee officer for the determination of this issue;
3. The clerk has maintained that by statute the income is the clerks;
4. This Court cannot read all of the statues combined to reach that result, the different statues and sections must not be read in para materia;

I, Dwight E. Brock, Clerk of the Court for Collier County, do hereby certify that the foregoing is a true and correct copy of the original as the same is in my office in the County of Collier, State of Florida.

Witness my hand and seal of the
18 June 2008
Dwight E. Brock, Clerk of Court
By: [Signature]

5. This Court finds, as authorized that the Board of County Commissioners of Collier County, has by resolution, determined that the Clerk of Courts receipt of interest or investment income denied from the investment of the boards funds may not be used, transferred or expended by the Clerk of Courts without the authority and direction of the Board of County Commissioners of Collier County:

ORDERED as stated that judgment on Court III of Plaintiff's amended Complaint lie in the same is DONE and ORDERED in chambers Moore Haven, Glades County, Florida this 16 day of June 2008.

herby entered in favor of the Plaintiff, board of County Commissioners, and against the Defendant, Dwight Beach Club. The Court intends this order to be a final judgment in favor of the Plaintiff, and against the Defendant club on Court III of Plaintiff's amended Complaint, in order to expedite the appellate review.

I CERTIFY that a true and correct copy of the forgoing order was sent by U.S. Mail to the following: JACQUELINE WILLIAMS HUBBARD, ESQ, Clerk of the Court Attorney, 3301 East Tamiami Trail, 8th Floor, Naples, FL 34112; THEODORAL TRIPP, JR., ESQ., Garvin & Tripp, P.A., Post Office Drawer 2040, Fort Myers, FL 33902 and to THOMAS R. GRADY, P.A., 222 Lakeview Avenue, Suite 1250, West Palm Beach, FL 33401 this _____ day of June 2008..

JUDICIAL ASSISTANT