

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Case No. 03-01070-3F1
Jointly Administered with
Case No. 03-01071-3F1,
Case No. 03-01072-3F1 and
Case No. 03-03249-3F1

CURTIS WALTER ROBERT HARRELL,
a/k/a C.W.R. Harrell,
CURTIS ROBERT HARRELL,
MATTHEW WALTER HARRELL
and WARNER-HARRELL
PLANTATION, L.L.C.,

Debtors.

CURTIS WALTER ROBERT HARRELL,
a/k/a C.W.R. Harrell,
CURTIS ROBERT HARRELL, and
MATTHEW WALTER HARRELL,

Plaintiffs,

v.

Adv. No. 05-AP-00163-JAF

WOOD & ASSOCIATES OF AMERICA,
INC., FLA-LAND, L.L.C. and DORADA
REAL ESTATE SERVICES,

Defendants.

JUDGMENT

This proceeding came before the Court upon the Complaint for declaratory relief filed by Plaintiffs, C.W.R. Harrell, Curtis R. Harrell and Matthew W. Harrell (collectively, the "Harrells"), the counterclaim filed by Defendants, Wood & Associates of America, Inc. ("Wood & Associates") and Fla-Land, L.L.C. ("Fla-Land"), for specific performance or alternatively damages caused by the Harrells' alleged breach of contract, the counterclaim filed by Defendant Dorada Real Estate Services ("Dorada") for damages based on the Harrells' alleged failure to pay a real estate commission, and the counterclaim filed by Defendants, Wood & Associates and Fla-Land for specific performance joining Osceola Land & Timber Corp. ("Osceola") as an involuntary party plaintiff and as an indispensable party holding title to the real estate in question under

an Option Agreement with the Harrells. The trial of this proceeding was held on March 2 and March 3, 2006. In lieu of oral argument, the Court directed the parties to submit memoranda in support of their respective positions. Based upon findings of fact and conclusions of law separately entered, it is

ADJUDGED:

1. No enforceable contract exists between Plaintiffs, the Harrells, and Defendants, Wood & Associates and Fla-Land, for the purchase and sale of the approximately 500 acres in dispute. Judgment is entered denying Defendants' prayer for specific performance against the Harrells and the involuntary plaintiff, Osceola.

2. The Notice of Lis Pendens filed and recorded in Official Record Book 1200, Pages 401 through 410, Public Records of Suwannee County, Florida, on June 1, 2005, by Defendants, Wood & Associates and Fla-Land, in connection with their counterclaim for specific performance is canceled and discharged.

3. Judgment is entered in favor of Plaintiffs, the Harrells, and involuntary plaintiff, Osceola, and against Defendants, Wood & Associates, Fla-Land and Dorada, as to the complaint and each counterclaim filed herein.

4. Defendants, Wood & Associates, Fla-Land and Dorada, shall take nothing on their counterclaims against Plaintiffs, the Harrells, and the involuntary plaintiff, Osceola, and the counterclaims are dismissed on their merits.

5. Defendant Dorada shall take nothing on its counterclaim for a real estate commission against Plaintiffs, the Harrells, and the counterclaim is dismissed on the merits.

DATED this 25 day of September, 2006 in Jacksonville, Florida.

/s/ Jerry A. Funk

JERRY A. FUNK

United States Bankruptcy Judge

Copies furnished to:

James H. Post, Esq., Attorney for the Harrells
Andrew J. Decker, III, Esq., Attorney for Osceola
Stephen E. Mitchell, Esq., Attorney for Wood & Associates, Fla-Land, and Dorada