

**IN THE EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA  
IN AND FOR SEMINOLE  
SANFORD, FLORIDA**

00-CA-1491-16-G

Charles Dewey Tobias, Jr.  
Plaintiff,

vs.

Van E. O'Neal  
Respondent/Lienor.

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**AFFIDAVIT OF DEFAULT**

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State: Florida            )  
                                  ) SS. Affidavit by Charles Dewey Tobias, Jr.  
County: Seminole        )

I, Charles Dewey Tobias, Jr., your affiant herein, being an adult and qualified to testify and having first hand knowledge of the facts as set forth herein, state that this declaration is true and correct under the penalties of perjury under the laws of the United States of America. and state as follows:

1. That the Plaintiff filed the Complaint in this action on or about the 25th day of February, of the year 2000, to enforce or to cancel the alledged claim of lien as recorded in the Polk County Official Records Book 4015, page 1571 and service was completed on the 1st day of March, in the year 2000, and the return of service was made timely to the Clerk of this court.

2. That the Respondent herein, namely, Van E. O'Neal, was required to satisfy the provisions of law at Florida Statutes 713.21(4), namely, to "show cause" within twenty (20) days why the alleged "liens" defined in this action should not be canceled.

3. That, pursuant to Florida Statutes 713.21(4), the Respondents have failed to respond to the Summons and Complaint "to show cause within 20 days why his or her lien should not be enforced by action or vacated and canceled of record."

4. That there is no evidence of record that any action has been commenced by the Respondent in a court of competent jurisdiction before the return date of the summons to lawfully enforce said alleged liens.

5. That, pursuant to the foregoing, the Respondent is in default of a timely response to the Summons and Complaint hereto.

Further your affiant, the Plaintiff, sayeth naught.

Executed on this 29th day of August, in the year 2000.

\_\_\_\_\_  
Charles Dewey Tobias, Jr.  
c/o 1745 Markham Woods Road  
Longwood, Florida state  
Non-Domestic: PZC: 33815

On this 29th day of August, 2000, personally appeared before me, Charles Dewey Tobias, Jr., ( ) personally known to me, or ( ) proved by I.D. to be the man whose name is subscribed to the above instrument, and acknowledged to me that he executed the instrument by placing his signature thereon.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (seal)  
Notary Public

Type of ID \_\_\_\_\_