

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

CASE NO.: **56 2007 CA 006467**
JUDGE BURTON CONNOR

JOYCE HYLAND and JAN ALPERT,

Plaintiffs/Counterdefendants

vs.

SCARBOROUGH ESTATES, LLC.,
a Florida limited liability company,

Florida Bar No. 0001449

Defendant/Counter-Plaintiff

**PLAINTIFF/COUNTERDEFENDANTS' PROPOSAL FOR SETTLEMENT AND
OFFER OF JUDGMENT TO DEFENDANT /COUNTERPLAINTIFF SCARBOROUGH
ESTATES, LLC.**

PLAINTIFFS/COUNTERDEFENDANTS, JOYCE HYLAND and JAN ALPERT, by and through undersigned counsel, and pursuant to Rule 1.442, Fla. R. Civ. P., and Section 768.79, Florida Statutes, hereby serve this Proposal for Settlement and Offer of Judgment upon Defendant /Counterplaintiff SCARBOROUGH ESTATES, LLC. and state:

1. Governing Florida Law: This Proposal for Settlement and Offer of Judgment is made pursuant to Rule 1.442, Fla. R. Civ. P., and Section 768.79, Florida Statutes.
2. Party Making Proposal: This Proposal for Settlement and Offer of Judgment is being made by the Plaintiffs/Counterdefendants, JOYCE HYLAND and JAN APLERT.
3. Identity of Party Upon Whom Offer is Made: This Proposal for Settlement and Offer of Judgment is being made upon the Defendant/Counterplaintiff SCARBOROUGH ESTATES, LLC., a Florida limited liability company
4. Description of Claims to be Resolved: This Proposal for Settlement and Offer of Judgment will settle any and all pending claims raised by any of the parties in the above captioned matter.
5. Total Amount of Proposal/Offer: The Plaintiffs/Counterdefendants propose settlement with the Defendant/Counterplaintiff wherein the Defendant/Counterplaintiff agrees to pay the sum of Twenty Five Thousand Dollars (\$25,000.00) to the Plaintiffs/Counterdefendants, subject to certain conditions to be agreed to by the parties, said sum being the total amount of the offer, coupled with non-monetary terms specified below, in full and complete satisfaction of all referenced claims, inclusive of attorneys fees, interest and costs.

6. Punitive Damage or Attorneys Fee Claims: There is no claim for punitive damage and this offer includes any and all attorneys fees and costs.
7. Relevant Non-Monetary Conditions: (A) The Plaintiffs/Counterdefendants will agree that the Defendant/Counterplaintiff will only be liable for payment of the agreed upon sum of \$25,000.00 when the real property which is the subject of this action is finally sold and transferred to a third party, in more particular terms to be agreed to by the parties. (B) The parties will agree to execute and deliver joint mutual releases and general releases of all claims. (C) The parties will cause their respective attorneys to execute deliver and file a Stipulation of Voluntary Dismissal with Prejudice upon acceptance of this offer and execution of final paperwork. (D) This Proposal for Settlement and Offer of Judgment can only be accepted in writing pursuant to applicable Rules and Statutes within thirty (30) days after service.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic mail, Certified mail, return receipt requested and regular US Mail this 27 day of April, 2009 upon the following: Fred W. Mattlin, Esq., MATTLIN & WYMAN, PL., 1900 Glades Road, Suite 245, Boca Raton, Florida 33431.

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By: _____
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