

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION

OFFICE OF THE ATTORNEY
GENERAL, DEPARTMENT OF LEGAL
AFFAIRS, STATE OF FLORIDA,

Plaintiff,

CASE NO.: 51-2010-CA-2912-WS/G

v.

BOTFLY L.L.C., DAVID R. LEWALSKI,
JON J. HAMMILL, and JON J. HAMMILL, P.A.,

Defendants.

NOTICE OF FILING PERSONAL PROPERTY AUCTION CONTRACT

Receiver, MICHAEL E. MOECKER, by and through undersigned counsel, hereby gives
notice of filing a copy of the Personal Property Auction Contract, which is attached hereto.

BUSH, ROSS, P.A.
Post Office Box 3913
Tampa, FL 33601-3913
(813) 224-9255
(813) 223-9620 (telecopy)
Counsel for the Receiver

BY: Karen Cox
Jeffrey W. Warren, Esquire
Florida Bar No. 150024
Karen Cox, Esquire
Florida Bar No. 456667

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Notice of Filing has been delivered via U.S. Mail on this 9th day of September, 2011 to the following:

Via E-Mail and U.S. Mail

Gregory S. Slemph, Esq.
R. Scott Palmer, Esq.
Nicholas J. Weilhammer, Esq.
PL-01: The Capitol
Tallahassee, Florida 32399-1050

Via U.S. Mail

Inmate David Lewalski
Citrus County Jail
2604 W. Woodland Ridge Dr.
Lecanto, FL 34461

Via E-Mail and U.S. Mail

Jon J. Hammill
6232 Fifth Avenue North
St. Petersburg, FL 33710

Via E-Mail and U.S. Mail

Gabriel Mazzeo, Esquire
285 Ocklawaha Circle
Quincy FL 32351

Karen Cox

Karen Cox, Esq.

PERSONAL PROPERTY AUCTION CONTRACT

Agreement For Sale of Personal and Chattel Property by Auction

Agreement made this 6TH day of SEPTEMBER, 20 11 between

ERIC RUBIN of MOECKEN AUCTIONS INC.

Phone: 954-252-2887, hereafter called Seller(s), and Cliff Shuler Auctioneers & Liquidators, Inc. – 422 Julia Street, Titusville, FL 32796, 321-267-8563 hereafter called Auctioneers.

The Auctioneer hereby agrees to use his professional skill, knowledge, and experience to the best advantage of both parties in preparing for and conduction the Auction.

The Seller (s) hereby agrees to turn over and deliver to the Auctioneers, to be sold at public Auction the items listed below and on the reverse side and attached sheets. No item shall be sold or withdrawn fro the Auction prior to the Auction except by mutual agreement between Seller(s) and Auctioneer. If item (s) is sold or withdrawn Auctioneer shall receive full commission on the item, which will be deducted from gross sales of Auction.

Auction Items: Personal property consisting of:

Ducati Corse 848 Motorcycle Hayden Special Signed Edition, VIN# ZDM1XBGVXAB010641 w/656 Miles
2001 YAMAHA WAVE RUNNER XL800 Registration No.: FL9572LP, YAMA2340H001
2001 YAMAHA WAVE RUNNER XL800 Registration No.: FL9576LP, YAMA4185I001
2006 26ft Edgewater Power Boat with Twin Yamaha 250 Outboards FL2533NY, DMA05124L506
2006 LEXUS GS 300 AWD VIN# JTHCH96S660017265 MILEAGE 55,090
Dual Wave Runner Trailer

The Auction is to be held at 422 Julia St., Titusville, FL 32796 on the 18th day of September, 2011 at 1 o'clock.

In case of postponement because of inclement weather, said Auction will take place on later date agreeable to both parties. It is mutually agreed that all said goods be sold to the highest bidder, with the exception of items specified by Seller (s) in writing to be protected. Auctioneer shall receive full commission on any item withdrawn from Auction or transferred or sold within 60 days after the Auction. It is further mutually agreed that the Auctioneers will deduct their fee and all expenses at set rate below from the gross sales receipts, resulting from said Auction. The Auctioneers agree to turn net proceeds from Auction over to Seller immediately following Auction, along with Auction records and receipts. The Seller agrees that all expenses incurred fro the advertisement, promotion and of conducting said Auction shall be first paid from the proceeds realized from said Auction before the payment and satisfaction of any liens or encumbrances.

The Seller (s) covenants and agrees that he/she has good title and the right to sell, and said goods are free from all encumbrances except as follows: (If none **WRITE NONE**)

Item	Mortgage / Lien Holder /UCC	Address	Approximate Unpaid Balance
<u>NONE</u>			

Seller(s) agrees to provide merchantable title to all items sold and deliver title(s) upon execution of this contract to Auction agrees to hold harmless, the Auctioneers against any claims of the nature referred to in this contract.

Seller agrees to pay: Auctioneer's Fee 10% plus individual case expenses for moving, if applicable.

Net Proceeds of Auction: Checks to the Seller(s) shall be made payable to

(name) BotFly LLC (address) c/o Moecker Auctions Inc., Eric Rubin, 3613 North 29th Avenue, Hollywood, FL 33020

Cliff Shuler
8-31-2011

Auctioneer's Signature AB # 9 AU # 14

Seller's Signature [Signature]

Date 9/6/2011

ERIC RUBIN 954-608-1727

Print Name and Telephone Number