

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA**

**MANASOTA FLOORING, INC.,**

**Plaintiff,**

**vs.**

**Case No. 2018-CA**

**MORGAN WALLACE and  
ARLIE WALLACE,**

**Defendants.**

**COMPLAINT FOR FORECLOSURE AND DAMAGES**

Plaintiff, Manasota Flooring Inc., sues the Defendants, Morgan Wallace and Arlie Wallace, and alleges:

**COUNT I - ACTION TO FORECLOSE CLAIM OF LIEN**

1. This is an action for foreclosure of a construction lien.
2. That at all times material to this lawsuit, the Plaintiff has been a Florida for Profit Corporation.
3. At all times material to this lawsuit, Defendants have been the record owner of the real property located in Sarasota County, Florida legally described as:  
  
**Lot 107, UNIT 7, SIESTA ISLES, as per plat thereof recorded in Plat Book 13, Page 20, of the Public Records of Sarasota County, Florida.**
4. Plaintiff performed paving services on Defendants' premises at 5545 Shadow Lawn Drive, Sarasota, Florida 34242. See enclosed Contractor's Final Payment Affidavit attached as **Exhibit "A"**.

5. Defendants, Morgan Wallace and Arlie Wallace have failed to pay Plaintiff for its work and there is a principal balance presently due of eleven thousand three hundred forty-one dollars and fifty cents (\$11,341.50).

6. On October 4, 2017, Plaintiff recorded its Claim of Lien, in the Public Records of Sarasota County, Florida. See Exhibit "B". A copy of the Claim of Lien was served upon the Defendants as required by applicable Florida Statutes.

7. The Plaintiff has timely filed this action within the time allowed by law and has complied with all other conditions precedent as required by the agreements and Florida Statutes.

8. The Plaintiff has retained the undersigned counsel to represent it in this action and has agreed and obligated itself to pay a reasonable attorney's fees and costs for services rendered.

9. The Plaintiff has performed all conditions precedent and statutory prerequisites under the agreements and the applicable Florida law and is entitled to recover the full amount due and owing.

**WHEREFORE**, Plaintiff, Manasota Flooring, Inc., demands an accounting of the sums due, including damages, costs, interest, and reasonable attorneys fees pursuant to Florida Statutes 713.29, and if said sum is not paid within the time set by this Court that the property be sold to satisfy Plaintiff's claim, and if the proceeds of the sale are insufficient to pay Plaintiff's claim, a deficiency judgment be entered for the sum remaining unpaid against the Defendants, Morgan Wallace and Arlie Wallace, and all persons claiming under or against the Defendants since the filing of the Claim of Lien, Amended Claim of Lien and Notice of Lis Pendens, and such other and further relief as this Court deems just and proper.

Michael A. France, P.A.  
1515 Ringling Blvd., Suite 800  
Sarasota, Florida 34236  
Ph: (941) 953-3600  
Fax: (941) 953-8400  
[service@mfrancelaw.com](mailto:service@mfrancelaw.com)  
[Kdbang@mfrancelaw.com](mailto:Kdbang@mfrancelaw.com)

By : /s/ Michael A. France  
MICHAEL A. FRANCE  
Florida Bar No. 0521345

**CONTRACTOR'S FINAL PAYMENT AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned authority, personally appeared Scott Klein, who, after being first duly sworn, deposes and says of his or her personal knowledge the following:

1. He or she is the Chief Financial Officer, of Manasota Flooring, Inc., which does business in the State of Florida, hereinafter referred to as the "Contractor."
2. Contractor, pursuant to a contract with Morgan Wallace and Arlie Wallace, hereinafter referred to as the "Owner," has furnished or caused to be furnished labor, materials, and services for the construction of certain improvements to real property as more particularly set forth in said contract.
3. This affidavit is executed by the Contractor in accordance with section 713.06 of the Florida Statutes for the purposes of obtaining final payment from the Owner in the amount of Eleven thousand, three hundred and forty-one dollars and fifty cents (\$11,341.50).
4. All work to be performed under the contract has been fully completed, and all lienors under the direct contract have been paid in full.

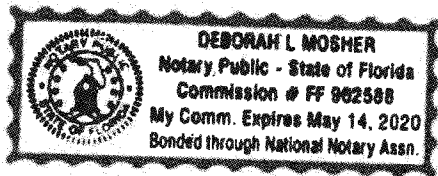


Signed, sealed, and delivered this 9<sup>th</sup> day of February, 2018

  
By Scott Klein  
on behalf of Manasota Flooring, Inc.

STATE OF FLORIDA  
COUNTY OF SARASOTA

Subscribed and sworn to before me this 9<sup>th</sup> day of February \_\_\_, 2018, by  
Scott Klein who is personally known or who has produced valid identification to me and who did  
take an oath.



  
Notary Public Signature

Deborah L. Mosher  
Notary Public Print Name

My Commission Expires:

Prepared by and return to:  
Manasota Flooring, Inc.  
4551 N. Washington Blvd.  
Sarasota, FL 34234

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2017122893 1 PG(S)  
October 04, 2017 10:49:49 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL



**WARNING!**

**THIS LEGAL DOCUMENT REFLECTS THAT A CONSTRUCTION LIEN HAS BEEN PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE THIS LIEN.**

**CLAIM OF LIEN**

STATE OF FLORIDA  
COUNTY OF SARASOTA

Before me, the undersigned authority, personally appeared Linda Guarracino, Collection Manager of MANASOTA FLOORING, INC., Lienor, whose address is, Manasota Flooring, Inc., 4551 N. Washington Blvd., Sarasota, FL 34234, and after being duly sworn, says that pursuant to a contract with **Morgan Wallace AT 5545 Shadow Lane Drive, Sarasota, FL 34242** the Lienor, services and materials consisting of all tile, carpet, planking, wood baseboards, headboard bridge, Baby threshold, Tmold, moisture barrier, primer and track shield 99 moisture work and installation on the following- described real property in Sarasota County, Florida:

More commonly known as: Wallace, 5545 Shadow Lane Drive, Sarasota FL 34242

owned by Morgan Wallace, for a total value of \$22,986.00 of which there remains unpaid **\$11,341.50** and furnished the first of the same on or about 2/11/2016 and the last of the same on 10/02/2017.

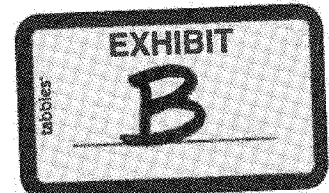
Dated this 4th of October 2017.

Manasota Flooring, Inc.

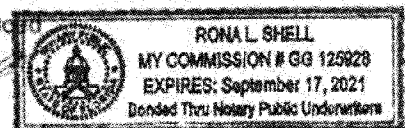
By: Scott M. Klein

Scott M. Klein, CFO

STATE OF FLORIDA  
COUNTY OF SARASOTA



The foregoing instrument was acknowledged before me this 4th day of Oct, 2017, by Scott M. Klein CFO of Manasota Flooring, Inc., on behalf of the corporation, who is personally known to me or has produced as identification.



MANASOTA FLOORING, INC.  
4551 N. WASHINGTON BLVD  
SARASOTA, FL 34234  
Telephone: 941-355-8437 Fax: 941-358-3127

Page 1

W75328

INVOICE

Sold To

WALLACE, MORGAN  
5545 SHADOW LANE DR  
SARASOTA, FL 34242

Ship To

WALLACE, MORGAN  
5545 SHADOW LANE DR  
SARASOTA, FL 34242

| Invoice Date     | Tele #1           | PO Number      | Order Number      |
|------------------|-------------------|----------------|-------------------|
| 09/30/17         | 941-726-3316      |                | W75328            |
| Style/Item       | Color/Description | Quantity Units | Price Extension   |
| 1-INVOICE \$\$\$ |                   | 1.00 EA        | 4,197.00 4,197.00 |

— 11/09/17

10:32AM--

Sales Representative(s):

JAN MELVILLE

Please remit all payments to:

Manasota Flooring, Inc  
4551 N. Washington Blvd  
Sarasota, FL 34234

INVOICE TOTAL: \$3,947.00

Less Payment(s): 1,000.00

BALANCE DUE: \$2,947.00

MANASOTA FLOORING, INC.  
4551 N. WASHINGTON BLVD  
SARASOTA, FL 34234  
Telephone: 941-355-8437 Fax: 941-358-3127

Page 1

272228

INVOICE

Sold To

WALLACE, MORGAN  
5545 SHADOW LANE DR  
SARASOTA, FL 34242

Ship To

WALLACE, MORGAN  
5545 SHADOW LANE DR  
SARASOTA, FL 34242

| Invoice Date     | Tele #1           | PO Number      | Order Number |           |
|------------------|-------------------|----------------|--------------|-----------|
| 09/30/17         | 941-726-3316      |                | 272228       |           |
| Style/Item       | Color/Description | Quantity Units | Price        | Extension |
| 1-INVOICE \$\$\$ |                   | 1.00 EA        | 21,289.00    | 21,289.00 |

— 11/09/17 —  
Sales Representative(s):  
JAN MELVILLE

10:31AM —

Please remit all payments to:  
Manasota Flooring, Inc  
4551 N. Washington Blvd  
Sarasota, FL 34234

INVOICE TOTAL: \$19,039.00  
Less Payment(s): 10,644.50  
BALANCE DUE: \$8,394.50