

APPLICATION FOR NOMINATION TO THE FLAGLER COUNTY COURT

(Please attach additional pages as needed to respond fully to questions.)

DATE: August 8, 2019 Florida Bar No.: 0782467

GENERAL: Social Security No.: XXX XX [REDACTED]

1. Name Scott W. Spradley E-mail: scott@flaglerbeachlaw.com

Date Admitted to Practice in Florida: 1988

Date Admitted to Practice in other States: N/A

2. State current employer and title, including professional position and any public or judicial office.

Owner/Principal: Law Office of Scott W. Spradley, P.A.

3. Business address: 109 South 5th Street

City Flagler Beach County Flagler State FL ZIP 32136

Telephone (386) 693-4935 FAX (386) 693-4937

4. Residential address: 607 Yorkshire Drive

City Flagler Beach County Flagler State FL ZIP 32136

Since January 1, 2017 Telephone (386) 225-1556

5. Place of birth: Shelby, N.C.

Date of birth: 12/23/1955 Age: 63

6a. Length of residence in State of Florida: 40 years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Flagler

7. Marital status: Divorced

If married: Spouse's name _____

Date of marriage _____

Spouse's occupation _____

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

Susan Tassell Spradley, 3537 Edlingham Drive, Orlando, FL 32812,

Seminole County Circuit Case Number: 2009-DR-00799.

Final Judgment of Dissolution of Marriage entered August 6, 2009.

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
Alyson Spradley	18	Student	3537 Edlingham Court Orlando, FL 32812

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
N/A			

Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>

Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No.

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite
- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes No

12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No

Describe such problem and any treatment or program of monitoring or counseling.

N/A

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances.

No.

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)
- No.
15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.
- No.
16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.
- No.
17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.
- No.

EDUCATION:

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Florida State University College of Law	Graduated	1985-1988	J.D.
Florida State University	Graduated	1983-1985	B.A. Philosophy and Political Science
Indian River State College	Graduated	1982-1983	A.A.
University of Miami	Attended	1974-1976	None

18b. List and describe academic scholarships earned, honor societies or other awards.

Gold Key National Honor Society, Florida State University, 1983-1985

Attended University of Miami on an athletic scholarship (golf)

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
1979-82	Golf Professional	Mariner Sands Country Club	6500 SE Mariner Sands Drive, Stuart, FL 34997

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

1988 to Present--The Florida Bar, all Courts

1991 to Present--U.S. District Court, Middle District of Florida

1991 to Present--U.S. District Court, Northern District of Florida

1991 to Present--U.S. District Court, Southern District of Florida

1992 to Present--U.S. Bankruptcy Court, Middle District of Florida

1992 to Present--U.S. Bankruptcy Court, Northern District of Florida

1992 to Present--U.S. Bankruptcy Court, Southern District of Florida

2019 to Present--United States Court of Appeals for the Eleventh Circuit

- LAW PRACTICE:** (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
See Attached Chart			

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

My law practice consists of the representation of corporate and individual clients in general civil litigation in state and federal court and in federal bankruptcy court.

In the litigation arena, I have a general practice. I represent creditors and I represent debtors in financial matters; I represent landlords and I represent tenants in eviction proceedings; and I represent petitioners and I represent respondents in dissolution of marriage proceedings.

In the bankruptcy arena, I represent individuals in Chapter 7 liquidation and in Chapter 13 debt adjustment cases; and I represent corporate clients and individual clients in Chapter 11 reorganization cases.

My law practice has changed over the years in volume, only--positive growth over time--and in the fact that my bankruptcy practice is now primarily debtor oriented, while it was previously creditor oriented during the 10 years I was with the GrayRobinson firm, where I was hired to form, and was the first Chair of, the GrayRobinson Bankruptcy Department.

For a measurable percentage of my general litigation practice, and for the entirety of my bankruptcy practice, clients seek my services because they are in financial distress. I am commonly retained to represent defendant homeowners in circuit court mortgage foreclosure suits, and to represent credit card holders in county court debt collection suits.

In my bankruptcy practice, clients seek my services when they are overwhelmed with debt and have little or no assets (Chapter 7 liquidation); when they have run out of all other options and wish to save their homes (Chapter 13 debt adjustment); and when they own businesses that are struggling and they want to restructure the business debt to enable the doors to remain open and their employees to keep their jobs (Chapter 11 reorganization).

The remainder of my practice consists of my representation of clients in a variety of matters: eviction; divorce; out of court debt resolution; and the provision of general advice.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	_____ 5 %	Civil	_____ 85 %
Federal Trial	_____ 20 %	Criminal	_____ 2 %
Federal Other	_____ 40 %	Family	_____ 13 %
State Appellate	_____ 5 %	Probate	_____ %
State Trial	_____ 30 %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
	_____ %		
TOTAL	_____ 100 %	TOTAL	_____ 100 %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	_____ 25	Non-jury?	_____ 225
Arbitration?	_____ 20	Administrative Bodies?	_____ 15

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No.

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No.

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

See Attached Chart

27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

See Attached Chart

27c. During the last five years, how frequently have you appeared at administrative hearings?
≤1 average times per month

27d. During the last five years, how frequently have you appeared in Court?
25 average times per month

27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?
N/A%

28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

The frequency with which I have appeared in Court the last five years is consistent with the prior 20 years.

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

I have not tried a case to award in arbitration during the past five years.

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

See Attached Chart

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

See Attached Brief

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

No.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No.

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

N/A

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

N/A

(iii) List citations of any opinions which have been published.

N/A

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

N/A

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

N/A

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

N/A

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

N/A

BUSINESS INVOLVEMENT:

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

Law Office of Scott W. Spradley, P.A.; law firm in which I am the Principal/Owner; if appointed to the judicial position, I will bring about an orderly closure of the law firm after providing for proper representation for all existing clients.

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

Adjunct Faculty, Valencia State College, Orlando, FL. Taught Creditor/Debtor & Bankruptcy Law from 2005 to 2009

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

I am a landscape and seascape photographer in my spare time. My work is displayed in several galleries locally. I donate my work to local businesses and for charitable causes. Occasionally, a piece is sold, and I receive a commission from the sale. I have also sold a piece here and there to private individuals for display in their homes. Over the past 5 years, I have received no more than \$5000 in any given year from the sale of my art.

POSSIBLE BIAS OR PREJUDICE:

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None.

MISCELLANEOUS:

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes _____ No X If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes _____ No X If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a

first degree misdemeanor?

Yes _____ No If "Yes" what charges? _____

Where convicted? _____ Date of Conviction: _____

36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

No

36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

2007-CA-006411-O

Gourmet Garden of Central Florida, Inc., et al. v. GrayRobinson, P.A. et al.

Case was dismissed by the Court for lack of prosecution, on July 3, 2012

36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

No.

37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

No

37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

No

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

See Attached Chart

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

No.

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No.

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No.

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

No.

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

43b. Have you ever paid a tax penalty?

Yes No If yes, please explain what and why. _____

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No.

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.

45. List any honors, prizes or awards you have received. Give dates.

46. List and describe any speeches or lectures you have given.

I regularly speak to a variety of groups, including Bar Associations, on the dangers of addiction and its presence in the legal community. Most recently, I have given the following presentations for CLE credit:

February 15, 2018 "Personal Absolute Priority: Identification of Substance Abuse and

the Paths to Recovery." Presented to the Central Florida Bankruptcy Law Association, GrayRobinson, P.A., 301 E. Pine St., Orlando, FL 32801.

January 17, 2019 "A Cautionary Tale for Lawyers: Recognizing and Climbing Out of Addiction." Presented at The Florida Bar Winter Meeting, Business Law Section, DoubleTree by Hilton at SeaWorld Orlando

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No
AV Rated

PROFESSIONAL AND OTHER ACTIVITIES:

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Central Florida Bankruptcy Law Association, Board of Directors 2007-2008; 2009-2010

Flagler County Bar Association

Jacksonville Bankruptcy Bar Association

The Florida Bar, Business Law Committee

- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Chairperson, City of Flagler Beach, Charter Review Commission, 2019

Vice Chairperson, City of Flagler Beach, Committee to Review Beach Parking, 2016

Flagler Beach Photography Club, 2013 to Present; Treasurer 2016

Seminole Boosters, 1988 to Present

Florida State University Alumni Association 1984 to Present

Republican Party 1992 to Present

- 48c. List your hobbies or other vocational interests.

Photography; Golf; Fishing; Kayaking

- 48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

No

- 48e. Describe any pro bono legal work you have done. Give dates.

Since a portion of my practice is the representation of individuals and families who need Chapter 7 bankruptcy protection, I have many inquiries from those who have

experienced employment layoffs or unexpected medical hardships, but who have no funds to pay for legal representation in creditor matters. Accordingly, I routinely set aside 100 to 200 hours per year of my time to counsel and represent individuals who are unable to pay for legal services. In addition to "free" legal services, I also provide reduced rates, often dramatically so, to accommodate those in need of representation but who are unable to pay. This has been my firm policy since I began my Flagler Beach practice in 2007.

SUPPLEMENTAL INFORMATION:

- 49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

See Attached List compiled by The Florida Bar

- 49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

Adjunct Faculty, Valencia State College, Orlando, FL. I taught Creditor/Debtor & Bankruptcy Law from 2005 to 2009.

I regularly speak to a variety of groups, including Bar Associations, on the dangers of addiction and its presence in the legal community. Most recently, I have given the following presentations for CLE credit:

February 15, 2018 "Personal Absolute Priority: Identification of Substance Abuse and the Paths to Recovery." Presented to the Central Florida Bankruptcy Law Association, GrayRobinson, P.A., 301 E. Pine St., Orlando, FL 32801.

January 17, 2019 "A Cautionary Tale for Lawyers: Recognizing and Climbing Out of Addiction." Presented at The Florida Bar Winter Meeting, Business Law Section, DoubleTree by Hilton at SeaWorld Orlando

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

As I reflect on my 30+ years as a member of The Florida Bar, I believe the diversity of my employment background and experience would serve me well and would favorably serve all of those appearing before me, should I be appointed to a judicial position.

Specifically, as a trial lawyer, I draw from my ten year background as a shareholder of a large firm (GrayRobinson), during which I represented a variety of local, regional and national banking institutions in collection matters; foreclosure matters; complex litigation; and in borrower bankruptcy proceedings.

Following that, I have a ten year background as a sole practitioner, in which I have represented borrowers and debtors in collection matters; in foreclosure matters; and in bankruptcy cases. My clientele includes individuals, families and corporate entities, large and small. I represent clients in state court, including county, circuit and appellate courts. I represent clients in federal court, including the federal district court as a trial court and as an appellate court.

Consequently, I have a working knowledge developed over three decades, of a variety of areas of practice, both from the perspective of a large firm lawyer and a small firm

lawyer.

Moreover, with a high volume case load throughout my career, I am acutely aware of the importance of the dedicated work ethic necessary to maintain an organized and efficient judicial docket management system. And since I appear in county court on a regular basis in the handling of a variety of collection matters, evictions and general litigation, I fully understand the importance of a smooth efficient docket to all litigants and to court personnel. I believe my organizational skills and experience with a high volume case load will transfer favorably to the judicial position, should I be selected.

Additionally, my experience and passion of contributing to the recovery community through public (and private) speaking engagements concerning alcoholism allows me to make a meaningful contribution to lawyers, judges and others in matters unrelated to litigation, but yet important to the life experience. As a consequence of my working relationship with the recovery community, I have a compassion for those striving to recognize, and then prevail over their struggles with alcohol. Should I be appointed to a judicial position, I believe I can utilize that platform in a positive manner to continue to help others, in addition to fulfilling my judicial duties to the best of my capabilities.

51. Explain the particular potential contribution you believe your selection would bring to this position.

I have a background in representing litigants from all walks of life. In 30 years of practice, I have significant experience in multiple legal disciplines. I appear frequently in county court. I also believe I have proper judicial temperment, which is bolstered by my experience in the type matters I would expect to encounter should I be appointed to the judicial position. I am eager to learn and to develop my capacity for areas of the law that I have not routinely participated in. I believe I am amply qualified for the judicial position and that I would capably serve the community, if appointed.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

N/A

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

I enjoy the practice of law immensely. I am not afraid of hard work. Consequently, my desire to come on to the Bench was made only after significant thought, reflection and conversation with my peers and family.

Nor does my desire to become a county court judge signify a change in my work ethic. Nor would appointment to the county court position be used as a stepping stone to a circuit court position. To the contrary, I enjoy working hard, and I want to excel in all respects of being a county court judge.

Also, my desire to become a judge is not a recent occurrence. Throughout my legal career, I have aimed to ultimately seek a judicial position, but only when the time is right. For the following reasons, I believe the time is right.

Specifically, for the past ten years, I have maintained a state and federal practice in Flagler Beach. My federal practice requires significant travel, usually to Orlando. While

this entails a good bit of road time for me, I have endured the Orlando round trips since my teenage daughter lives there with her Mother and my frequent travel to Orlando allows me the opportunity to visit with my daughter. This May, my daughter graduated from Boone High School and will enroll at Florida Gulf Coast University next week. Consequently, I no longer have the need (or desire) to continue to spend a significant amount of my time driving through I-4 traffic. This enables me to stay in Flagler County without interruption and enhances my availability for the judicial position.

The timing of the opening of the new county judge position is a welcome and timely development for me. I embrace the opportunity to continue my professional growth and to contribute to the community from the Bench through hard work, experience and my determination to become an excellent county judge in all respects.

REFERENCES:

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

See Attached Chart

CERTIFICATE

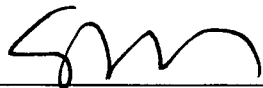
I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 9th day of August, 2019.

Scott W. Spradley

Printed Name



Signature

(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.

FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date	\$78,000		
List Last 3 years	2018 \$154,650	2017 \$143,255	2016 \$167,222

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date	\$58,750		
List Last 3 years	2018 \$115,500	2017 \$107,441	2016 \$125,416

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current year to date	0		
List Last 3 years	0	0	0

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current year to date	0		
List Last 3 years	0	0	0

**FORM 6
FULL AND PUBLIC
DISCLOSURE OF
FINANCIAL INTEREST**

PART A – NET WORTH

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of August 8, 2019 was \$418,846.

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 175,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)

VALUE OF ASSET

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Residence located at 607 Yorkshire Drive, Flagler Beach, FL 32136	\$410,000
Bank Accounts (Intracoastal Bank)	\$25,000
Retirement Accounts (Edward Jones)	\$150,000

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Mortgage (First Bank)	\$263,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
N/A	

PART D - INCOME

You may ***EITHER*** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, ***OR*** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

PRIMARY SOURCE OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
Wages (Law Office of Scott W. Spradley, P.A.)	109 South 5 th Street Flagler Beach, FL 32136	\$154,650

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSIENSS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITTY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

Scott W. Spradley

SIGNATURE

STATE OF FLORIDA

COUNTY OF Flagler

Sworn to (or affirmed) and subscribed before me this 9th day of **August, 2019** by Scott W. Spradley

Suzanne M Horton

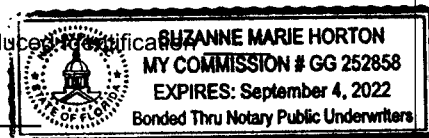
(Signature of Notary Public—State of Florida)

Suzanne M Horton

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced _____



INSTRUCTIONS FOR COMPLETING FORM 6:

PUBLIC RECORD: The disclosure form and everything attached to it is a public record. **Your Social Security Number is not required and you should redact it from any documents you file.** If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address **if you submit a written request for confidentiality.**

PART A – NET WORTH

Report your net worth as of December 31 or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting the liabilities reported in Part C from the assets reported in Part B will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- form;
- (1) The aggregate value of household goods and personal effects, as reported in Part B of this form;
 - (2) The value of all assets worth over \$1,000, as reported in Part B; and
 - (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of “household goods and personal effects.”

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in Part C of this form, except for any amounts listed in the “joint and several liabilities not reported above” portion; and,
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

PART B – ASSETS WORTH MORE THAN \$1,000

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Provide a description of each asset you had on the reporting date chosen for your net worth (Part A), that was worth more than \$1,000 and that is not included as household goods and personal effects, and list its value. Assets include: interests in real property; tangible and intangible personal property, such as cash, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interest in a trust, promissory notes owed to you, accounts received by you, bank accounts, assets held in IRAs, Deferred Retirement Option Accounts, and Florida Prepaid College Plan accounts. You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

— Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property’s location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.

— Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. **Do not list simply “stocks and bonds” or “bank accounts.”** For example, list “Stock (Williams Construction Co.),” “Bonds (Southern Water and Gas),” “Bank accounts (First

National Bank),” “Smith family trust,” Promissory note and mortgage (owed by John and Jane Doe).”

How to Value Assets:

- Value each asset by its fair market value on the date used in Part A for your net worth.
- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate appraisal of its fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.
- Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by “buy-out” agreements. It is suggested that the method of valuation chosen be indicated in a footnote on the form.
- Life insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.

PART C—LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

List the name and address of each creditor to whom you were indebted on the reporting date chosen for your net worth (Part A) in an amount that exceeded \$1,000 and list the amount of the liability. Liabilities include: accounts payable; notes payable; interest payable; debts or obligations to governmental entities other than taxes (except when the taxes have been reduced to a judgment); and judgments against you. You are not required to disclose liabilities owned *solely* by your spouse.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owned to the company of issuance, or contingent liabilities. A “contingent liability” is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a “co-maker” on a note and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.

— If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However*, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.

— If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

Examples:

— You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a saving and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit cards debts need not be reported.

— You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt, for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

PART D – INCOME

As noted on the form, you have the option of either filing a copy of your latest federal income tax return, including all schedules, W2's and attachments, with Form 6, or completing Part D of the form. If you do not attach your tax return, you must complete Part D.

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during the year, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is a joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony, but not child support. Where income is derived from a business activity you should report that income to you, as calculated for income tax purposes, rather than the income to the business.

Examples:

— If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.

— If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.

— If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCE OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will **not** have anything to report **unless**:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and

(2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's more recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

PART E – INTERESTS IN SPECIFIED BUSINESS

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies, credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; and entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of business for which you are, or were at any time during the year an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list: the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

JUDICIAL APPLICATION DATA RECORD

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: August 8, 2019

JNC Submitting To: _____

Name (please print): Scott W. Spradley

Current Occupation: Attorney

Telephone Number: 386 693 4935 Attorney No.: 782467

Gender (check one): Male Female

Ethnic Origin (check one): White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Flagler

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.

CONSUMER'S AUTHORIZATION FOR FDLE
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of
Applicant:

Scott W. Spradley

Signature of Applicant:



Date: August 8, 2019

Application of Scott W. Spradley

21. Employment

Position	Name of Firm	Address	Dates
Principal/Owner	Law Office of Scott W. Spradley, P.A.	109 S. 5 th Street Flagler Beach, FL 32136	5/2007-Present
Partner	Pohl & Short, P.A.	280 W. Canton Ave, Winter Park, FL 32789	1/2006-5/2007
Shareholder	GrayRobinson, P.A.	301 E. Pine St., Ste. 1400 Orlando, 32801	8/1996-1/2006
Principal/Owner	Spradley, Tassell & Tavrides, P.A.	609 E. Central Blvd., Orlando, FL 32801	6/1995-8/1996
Associate	Rush, Marshall, Reber and Jones, P.A.	1516 E. Colonial Dr., Orlando, FL 32801	3/1994-6/1995
Associate	Frith & Stump, P.A.	200 S. Orange Ave., Orlando, FL 32801	3/1991-3/1994
Associate	Dempsey & Goldsmith, P.A.	P.O. Box 1980, Orlando, FL 32901	6/1988-3/1991
Law Clerk	Dept. of Professional Regulation—Board of Dentistry	2601 Blair Stone Road, Tallahassee, FL 32399	Summer of 1987
Law Clerk	Hospital Cost Containment Board	2601 Blair Stone Road, Tallahassee, FL 32399	Summer of 1986

Application of Scott W. Spradley

27a. Last 6 Cases Tried to Verdict/Judgment

Opposing Counsel	Telephone	Representing	Case Number	Case Name
Christopher Wickersham, Jr.	904 389 6202	Miles Weiss Plaintiff	2015-30610-CICI Volusia Circuit Court	Miles Weiss, et al. v. MSR Partners, et al.
Jacob Brown	904 798 3700	Aaron R. Cohen Plaintiff	14-ap-9205-PMG U.S. Bankruptcy Court, M.D. Fla JAX Division	Aaron R. Cohen v. Debra Matthews
Evan B. Klinek	954 343 6965	Brian A. Court Plaintiff	13-ap-00288-PMG U.S. Bankruptcy Court, M.D. Fla JAX Division	Brian A. Court v. Coral Court
C. Andrew Roy	407 423 4246	Douglas Olds Creditor	15-bk-04605-CCJ U.S. Bankruptcy Court, M.D. Fla Orlando Division	In re: Ahmet John Bedizel
Andrew W. Houchins	407 435 5500	Aly Financial Creditor	16-bk-00346-CCJ U.S. Bankruptcy Court, M.D. Fla Orlando Division	In re: R&R Industries, LLC
Walter J. Snell	386 255 5334	Emerald Isles Debtor	18-bk-4156-CCJ U.S. Bankruptcy Court, M.D. Fla Orlando Division	In Re: Emerald Isles Holdings, LLC

Application of Scott W. Spradley

27b. Last 6 Cases Settled

Opposing Counsel	Telephone	Representing	Case Number	Case Name
Eugene H. Johnson	904 652 2400	Robert Altman Trustee	19-bk-0492- JAF U.S. Bankruptcy Court, M.D. Florida JAX Division	In re: Peter and Judith Grady
Jacob A. Brown	904 798 3700	Gordon P. Jones Trustee	18-bk-2774- PMG U.S. Bankruptcy Court, M.D. Florida JAX Division	In re: David Brodhecker
Harlan G. Paul	386 734 3020	Mainstreet Community Bank Plaintiff	2018-11801- CIDL Volusia Circuit Court	Mainstreet Community Bank v. McCormick 100, LLC
Kenneth A. Tomchin	904 353 6888	Gregory Scott Cart Defendant	CA15-0876 St. Johns Circuit Court	Leech Tishman, et al. v. Gregory Scott Cart, et al.
Daniel S. Mandel	561 826 1740	Wilmington Savings Fund Society, FSB Plaintiff	2016-CA- 00578 Flagler Circuit Court	Wilmington Savings v. Christian Long et al.

Application of Scott W. Spradley

30. Six Most Significant Cases Litigated

1. **Malmberg v. Malmberg**, 2016 DR 003295, Polk County Circuit Court, Judge Michelle Pincket, presiding. Tried by the Court on November 21, 2016 and January 10, 2017. (Opposing party represented by Liesl A. Weeks, 863 686 2727).

This dissolution of marriage case is significant to me for a variety of reasons. First of all, my client, Martha Malmberg, was of modest financial means; was the victim of documented domestic abuse; and whose minor children were discretely removed from the State of Florida by her husband, without her knowledge or consent. Ultimately, my staff and I were able to assist in the location of her minor children (who were recovered and returned to her by Georgia Sheriffs), and I later prevailed on behalf of Ms. Malmberg following a two day trial, with Ms. Malmberg receiving protection from further abuse and with maximum financial support, in addition to the marriage being dissolved.

2. **Awad Al Shaibani v. Jacob Zureikat**, 1999-CA-09720-O, Orange County Circuit Court, Judge Janet Thorpe, presiding. Tried by the Court on September 27, 2001. (Opposing party represented by William Asma, 407 656 5750)

Favorable trial judgment appealed to District Court of Appeal, Fifth District (Affirmed).

Reported at: 944 So.29 1019 (Fla. 5th DCA 2006)

This case is significant to me because it resulted in a reported decision which expanded the application of equitable lien rights against Florida homestead property, to lien holders who were victims of fraud or concealment, notwithstanding the homestead exemption provisions of the Florida Constitution. In the case, I represented Plaintiff, Awad Al Shaibani, in a suit to recover money paid to the Defendant, a realtor, to hold in escrow in the sum of \$200,000. Through discovery, it was learned that the Defendant used the money intended for escrow, to purchase a house. The Defendant then claimed the homestead exemption in post-judgment proceedings supplementary. The trial court found, and the appellate court agreed, that it was proper to give the Plaintiff/creditor an equitable lien on homestead, due to the egregious conduct of the Defendant.

3. **Brian Court v. Coral Court**, 13-ap-00288-PMG, U.S. Bankruptcy Court, M.D. Florida, JAX Division, Judge Paul M. Glenn, presiding. Tried by the Court on June 13, 2014. (Opposing party represented by Evan B. Klinek, 954 343 6965).

This case is significant to me because it resulted in a further interpretation of the principals of equitable lien rights under Florida law, this time in a bankruptcy setting. In this case, Ms. Coral Court, who I represented, was a widow, and was being sued by her deceased husband's brother. The brother took the position that he should be granted an equitable lien on Ms. Court's homestead, because shortly before he died, Ms. Court's husband took a portion of the brother's "future inheritance" to build a home. In finding against the brother, the bankruptcy judge applied Florida law in finding that the deceased husband/brother did not engage in "egregious conduct" in using the funds to build his home, which is now the standard to entitle a petitioning party to an equitable lien on Florida homestead property.

4. **In re: R&R Industries, Inc.**, 16-bk-00346-CCJ, U.S. Bankruptcy Court, M.D. Florida, Orlando Division, Judge Cynthia Jackson, presiding. Tried by the Court on February 22, 2017. (Opposing parties represented by Andrew Houchins, 407 425 5500 and Elena Escamilla, 407 648 6301).

This case is significant to me because it resulted in the successful Chapter 11 Reorganization of my client, the Debtor, which is a Daytona Beach roofing company. The business landed in financial straits requiring the Chapter 11 filing due to IRS issues created by prior ownership. As a result of the successful, court-approved reorganization, the business was able to keep its doors open; 25 employees retained their jobs; and creditors (including the IRS) were paid in an orderly and equitable manner.

5. **Sun Bank, N.A. v. Lamar S. Stokes and Joan B. Stokes**, 92-ap-929, U.S. Bankruptcy Court, M.D. Florida, Ft. Myers Division. Judge Alexander Paskay, presiding. Tried by the Court on June 24, 1993. (Opposing party represented by Leonard Liszewski, 239 839 4233).

Reported at: 155 B.R. 785 (Bankr. M.D. Fla. 1993).

This case is significant to me because it resulted in a decision which established the standard for determining whether credit card debt should be discharged in

bankruptcy, or whether the debt should survive a bankruptcy due to false representation, false pretenses or actual fraud of the cardholders, shortly before the filing of a bankruptcy case. In the case, I represented Plaintiff, Sun Bank, N.A. in a challenge to the dischargeability of credit card debt which was run up shortly before the bankruptcy filing. The Court, after trial, determined that the credit card debt should survive bankruptcy due to the implied representation by the cardholders that they had the ability and the intent to repay the bank for charges made, each time the card was used. In this case, the cardholders could not have reasonably believed they had the ability to repay the bank, based on their financial circumstances at the time. Prior to this decision, there was no uniform treatment of the issue of credit card dischargeability, but as a result of this decision, the standard is uniformly applied (generally) throughout the Middle District of Florida.

6. In re: Ahmet John Bedizel, 15-bk-04605-CCJ, U.S. Bankruptcy Court, M.D. Florida, Orlando Division. Judge Cynthia Jackson, presiding. Tried by the Court on February 15, 2018 (Opposing party represented by C. Andrew Roy, 407 423 4246). Favorable trial judgment appealed to U.S. District Court, Middle District of Florida (Affirmed).

This case is significant to me because it clarified that once a debt is discharged in bankruptcy, a creditor can not thereafter seek to collect on the discharged debt, even when that creditor is seeking to recover assets from a third party to whom the debtor transferred assets, prior to the commencement of the bankruptcy case. In this case, I represented Mr. Bedizel, who obtained his bankruptcy discharge. Following the entry of discharge, creditor Olds attempted to levy on property that had been transferred by Mr. Bedizel to a third party. The Court ruled (and the appellate court agreed) that once the underlying debt is discharged, a creditor's right to collect on the debt by seeking to recover property from a third party that was transferred by the Debtor, is extinguished.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case No. 6:17-CV-1331-Orl-37
United States Bankruptcy Court, Middle District of Florida
Case No.: 6:12-bk-04736-CCJ

THE JOHN MICHAEL EDDY TRUST OF 1982

Appellant,

v.

MARIE E. HENKEL

Appellee.

INITIAL BRIEF OF APPELLANT THE JOHN MICHAEL EDDY TRUST OF 1982

Scott W. Spradley
Florida Bar No.: 782467
Law Offices of Scott W. Spradley, P.A.
109 South 5th Street
P.O. Box 1
Flagler Beach, FL 32136
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Attorneys for the Appellant

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STATEMENT OF BASIS OF APPELLATE JURISDICTION

This is an appeal from a final order, the Order on Trustee’s Amended Objection to Amended Claim of John Michael Eddy Trust of 1982 entered by the Bankruptcy Court (Case No.: 6:12-bk-04736-CCJ) on July 6, 2017 (Dk. No. 235) (“the Order”) and the Memorandum Opinion concerning the Order, entered by the Bankruptcy Court on July 3, 2017 (Dk. No. 232). The Order fully disposed of the subject matter concerning a claim filed by Appellant and an objection to that claim, filed by the Appellee. This is a “core” proceeding pursuant to 28 U.S.C. §548(1a). As such, the Order is a “final order” that fully adjudicates the case *sub judice* and leaves nothing unadjudicated. See *Dzikowski v. Boomer’s Sports and Recreation Center, Inc. (In re Boca Arena, Inc.)*, 184 F.3d 1285 (11th Cir. 1999); *T&B Scottsdale Contractors, Inc. v. United States*, 815 F.2d 1425 (11th Cir. 1987). Appellate jurisdiction therefore rests with this Court pursuant to the express provisions of 28 U.S.C. § 157(a)(1) and §158(a)(a).

Pursuant to Federal Rule of Bankruptcy 8012(a)(2), the deadline for an appeal of the Order to be filed was August 17, 2017. Appellant filed its Notice of Appeal on August 17, 2017. Accordingly, this appeal is timely.

CITATIONS TO THE RECORD

For purposes of this Initial Brief, citations to the record shall be to the documents constituting the official bankruptcy docket, unless otherwise stated, in the case of: *In re: John Michael Eddy and Nancy Elizabeth Eddy*, Case No.: 6:12-bk-04736-CCJ, in the United States Bankruptcy Court for the Middle District of Florida, Orlando Division. The form of citation shall be: (Dkt. ___) for the document docket number. To the extent a specific passage of the document is being referenced, the notation: (at ___) shall be used for the page number. References to

documents in the record that are not a part of the official bankruptcy docket shall be adequately described and cited.

STATEMENT OF THE ISSUES PRESENTED

1. Whether the Bankruptcy Court erred in subordinating the claim of Appellant to the claims of other creditors of the subject bankruptcy estate.
2. Whether the Bankruptcy Court erred in subordinating the entire claim of Appellant to the claims of other creditors, even if subordination was appropriate.
3. Whether the Bankruptcy Court erred by entering a final order subordinating a claim through a contested matter rather than through an adversary proceeding.

STANDARD OF REVIEW FOR EACH ISSUE PRESENTED

Questions of law are reviewed *de novo*, without deference to the lower court's analysis and conclusions. *Kaiser Aerospace & Elecs. Corp. v. Teledyne Indus. (In re Piper Aircraft Corp.)*, 244 F.3d 1289, 1295 (11th Cir. 2001). Although factual findings are reviewed for clear error, the legal standards applied to those facts are subject to plenary review. *Nordberg v. Arab Banking Corp. (In re Chase & Sanborn Corp.)*, 904 F.2d 588, 595 (11th Cir. 1990) (holding that the bankruptcy court's determination that payment on account was made for new value was erroneous as a matter of law).

STATEMENT OF THE CASE

On April 9, 2012, the case of John Michael Eddy ("Mike Eddy") and Nancy Elizabeth Eddy ("Nancy Eddy") (collectively, "the Eddys") was commenced by the filing of a voluntary petition under Chapter 7 of Title 11, United States Code. (Dk. No. 1) ("the Bankruptcy Case"). By order dated August 14, 2012 (Dk. No. 39), the deadline for creditors to timely file Proofs of Claim in the Bankruptcy Case was established as November 16, 2012.

On November 16, 2012, Appellant, the John Michael Eddy Trust of 1982 ("Appellant" or "the Trust") timely filed a Proof of Claim in which it asserted a claim in the Bankruptcy Case in the sum of \$2,158,000 (Claims Register 9-1) with \$405,000 of the claim being secured and the

balance being unsecured and subject to a distribution to holders of unsecured claim. The Claim was amended on December 12, 2015. As amended, the Claim was in the sum of \$2,361,387.19 (Claims Register 9-2) with \$106,416.81 being secured and the balance being unsecured (“the Claim”). The basis for the Claim is a promissory note issued by Mike Eddy to the Trust in 1986 in the sum of \$979,000, bearing interest at 7.45% (“the 1986 Note”), in exchange for assets Mike Eddy received from the Trust. (Dk. 232 at 2). Through two later notes, the 1986 Note was restated in the principal amount of \$2,467,804, which includes interest that has accrued since 1986. (“the Restated Note”) (Dk. 232 at 2). The validity and enforceability of the Restated Note was upheld by the Bankruptcy Court, and is not the subject of this appeal.

On August 11, 2015, Appellee, Marie Henkel, Trustee (“Appellee” or “Bankruptcy Trustee”) filed an Objection to the Claim (“Trustee’s Objection”) (Dk. 163). A trial on the Trustee’s Objection was conducted in December, 2015. After the trial and following the submission of post-trial briefs, on July 3, 2017, the Bankruptcy Court entered its Memorandum Opinion on the Trustee’s Objection (“the Memorandum Opinion”) (Dk. No. 232). The Memorandum Opinion was followed on July 6, 2017 by the entry of the Order on Trustee’s Amended Objection to Amended Claim of John Michael Eddy Trust of 1982 (“the Order”) (Dk. No. 235).

The Memorandum Opinion and the Order (collectively, “the Bankruptcy Court’s Ruling”) form the basis for this appeal. Specifically, while the Bankruptcy Court’s Ruling determined that the Claim filed by Appellant was valid, the Bankruptcy Court’s Ruling also subordinated the Claim to the claims of all other creditors in the bankruptcy estate. Since the total of value of claims filed in the Bankruptcy Case greatly exceed the amount of the anticipated distribution to

creditors by the Bankruptcy Trustee (who is the Appellee), the subordination of Appellant's claim below all other creditors, renders the Claim worthless.

Appellant seeks review of that portion of the Bankruptcy Court's Ruling which subordinates the Claim and which also *fully* subordinates it (as opposed to subordinating it partially and thus allowing it to have some value). Accordingly, Appellant seek a reversal of the Bankruptcy Court's Ruling to the extent that it subordinated the Claim of Appellant.

SUMMARY OF THE ARGUMENT

This Court should reverse the Bankruptcy Court's Ruling that the Claim of Appellant is subordinated to the claims of all other creditors of the Bankruptcy Estate.

First, it was error for the Bankruptcy Court to subordinate the Claim of the Appellant. The Bankruptcy Court conclusively established that the Claim is valid and enforceable, and has been valid and enforceable since its inception over thirty (30) years ago. Moreover, the Bankruptcy Court conclusively established that the existence of inequitable conduct by Mike Eddy and his brother Ray Eddy occurred over twenty-five (25) years after the Claim arose. The subsequent conduct of the individuals should not subject the Claim to subordination, particularly since it is Appellant's position that the creditors of the bankruptcy estate were not injured as a result of the conduct complained of.

Second, and as suggested above, there was no injury to the creditors of the bankruptcy estate as a result of the findings of inequitable conduct by the Bankruptcy Court. The subject transfers of assets were reversed, and following liquidation, the resulting funds are available for distribution to the holders of unsecured claims. In the absence of injury to the creditors, generally, the extent of subordination ordered by the Bankruptcy Court is pecuniary, and is thus inappropriate in this case.

Third, the Bankruptcy Code requires that issues of subordination be conducted through and adversary proceeding. This procedure was not followed by the Appellee Trustee in this case. Despite the procedural requirements, the Bankruptcy Trustee sought subordination of the Claim through a contested matter and not through and adversary proceeding. Accordingly, the proceedings resulting in subordination of the Claim is procedurally flawed. Nevertheless, a reversal of the subordination component of the Bankruptcy Court's Order will render the procedural shortcomings moot, requiring no further action by this Court.

ARGUMENT

I. The Bankruptcy Court erred in subordinating the claim of Appellant to the claims of other creditors of the subject bankruptcy estate.

The Bankruptcy Court erred by entering the Order subordinating the claim of Appellant to the claims of all other creditors, which, in turn, stripped away Appellant's right to a distribution from the bankruptcy estate. Under the facts of this case and upon application of existing law, subordination of the claim was improper, and it should be reversed.

As noted by the Bankruptcy Court in the Order, Section 510 of the Bankruptcy Code is the authority for subordinating claims for purposes of distribution of all or part of an allowed claim. (Dk. 232 at 8, 9). In the Eleventh Circuit, the standard used by courts to evaluate claim subordination issues is found in *In re Mobile Steel Co.*, 563 F.2d 692 (5th Cir. 1977). Subordination of a claim is appropriate when the presence of three factors enunciated in the so-called *Mobile Steel* test are found:

- (1) that the claimant was engaged in some sort of inequitable conduct;
- (2) that the conduct has injured other creditors or given unfair advantage to the claimant;

(3) that subordination is not inconsistent with bankruptcy law. *Mobile Steel* at 700.¹

In the Bankruptcy Court's Ruling, it was found that all three prongs were met, in support holding that the Claim should be subordinated. (Dk.232 at 8-12). Appellant, however, believes the record in the case demonstrates that the Court erred in finding that the first two elements were met. And since all elements of the *Mobile Steel* test must be met to support subordination of a claim, the absence of proof of any one (or more) of the elements prevents the lawful imposition of subordination of a claim.

Specifically, in finding that the first prong of the *Mobile Steel* test is met, i.e., that the claimant engaged in inequitable conduct, the Court does not seem to give proper weight to several factual matters conclusively established in the record. First, the obligation giving rise to the Claim originated 30 years before the alleged inequitable conduct occurred. (Dk. 232 at 2).

Moreover, the Bankruptcy Court cites to findings of alleged inequitable conduct by Mike Eddy and Ray Eddy occurring in 2010, (Dk. 232 at 12) which was nearly 30 years *after* the Note forming the basis of the Claim originated. (Dk. 232 at 2). Branding the Appellant's valid Claim with conduct occurring 30 years after the Claim arose is tenuous and does not support subordination.

Also, although the Order contains a discussion of circumstances in which inequitable conduct of an insider can be imputed to third parties—in this case, to the Appellant—the record in the case seems to lack support for that inference. (Dk. 232 at 9). Moreover, interpretative case law stands for the proposition that the imposition of inequitable conduct onto the Claimant is inappropriate in this case. *See In re: Fabricators, Inc.*, 926 F2d 1458 (5th Cir. 1991) (holding that

¹ The third prong of the *Mobile Steel* test has been rendered moot, due to the specific reference to subordination in Section 510, which was created after *Mobile Steel*. Accordingly, Appellant does not contest application of the third prong, although for subordination to be proper, all three prongs must be met.

“equitable subordination ...is unusual remedy which should be applied only in limited circumstances; moreover, doctrine is remedial, not penal and should only be used to the extent necessary to offset specific harm that creditors suffered on account of the inequitable conduct. *Fabricators* at 1462).

Furthermore, while it was conclusively established not only that the Note forming the basis of the Claim is valid and enforceable (Dk. 232 at 4-7), it should be noted the assets which were transferred and which were ultimately avoided by the Bankruptcy Court were not even in existence when that Note was formed. (*Henkel vs. Brothers Mill, Ltd.*, Adv. No. 6:13-ap-00112-CCJ, Dk. 71). Consequently, there appears to be an absence of facts and no legitimate legal support that warrants the inference of inequitable conduct by Mike Eddy or by Ray Eddy unto the Appellant.

Since it was not even alleged--much less proven--that inequitable conduct existed at the time the Note forming the basis for the Claim originated (Dk. 232 at 10), and since the alleged inequitable conduct cited by the Appellee was that of Mike Eddy and Ray Eddy, and not the Appellant, the inference of inequitable conduct to the Appellant cannot legitimately or logically be made. Accordingly, the record does not support the existence of satisfaction of the first prong of the *Mobile Steel* test, requiring evidence of inequitable conduct by the Appellant.

Secondly, the record in the case does not support a finding that the second prong of the *Mobile Steel* test has been met. Specifically, there is no credible evidence that the creditors of the bankruptcy estate, generally, were injured as a result of inequitable conduct by the Appellant. The transfers of the subject assets by Mike Eddy and by Ray Eddy—but not by the Appellant—were avoided, and are now available for liquidation and distribution to creditors. (Dk. 232 at 12). Consequently, the creditors not only were not injured by Appellant, they were not injured

by any party with respect to the assets available for distribution. For these reason, the second prong of the *Mobile Steel* test has not been met. And since all prongs of the *Mobile Steel* test must be met in order to warrant subordination, the Bankruptcy Court's was erroneous in finding a legal and factual basis for subordination

It is Appellant's contention that the Bankruptcy Court's ruling that the Claim should be subordinated to the claims of all other creditors at a time the Claim is valid and enforceable, and at a time the alleged inequitable occurred nearly thirty (30) years after the formation of the Claim, is error.

II. The Bankruptcy Court erred in subordinating the entire claim of Appellant to the claims of other creditors, even if subordination was appropriate.

Although it is Appellant's belief that subordination of its claim by the Bankruptcy Court was error, even assuming, *arguendo*, that the Claim was properly subordinated, it was error for the Bankruptcy Court to fully subordinate it, which will result in there being no distribution to Appellant from the bankruptcy estate even though the Bankruptcy Court held that Appellant has a valid claim and enforceable, over the Appellee's objections.

Specifically, under the authority of *Mobile Steel* and its progeny, a claim should be subordinated "only to the extent necessary to offset the harm which the bankrupt and its creditors suffered on account of the inequitable conduct." *Mobile Steel* at 701.

In this case at bar, the Bankruptcy Court previously made findings of fact and conclusions of law in the Adversary Proceedings, in which the transfers of assets by Mike Eddy and Ray Eddy were avoided under the authority of existing and relevant law. (*Henkel vs. Brothers Mill, Ltd.*, Adv. No. 6:13-ap-00112-CCJ, Dk. 71). The effect of the avoided transfers on Mike Eddy and on Nancy Eddy is substantial, because their assets have been significantly diminished. In fact, the Judgment resulted in Mike's holdings decreasing in value by over \$2,000,000. (*Henkel vs. Brothers Mill, Ltd.*, Adv. No. 6:13-ap-00112-CCJ, Dk. 71).

On the other hand, in weighing relative harm to the creditors of the bankruptcy estate, the avoidance of transfers by the Bankruptcy Court resulted in those assets being returned to the estate, for distribution to creditors following liquidation.. Consequently, any harm to creditors of the bankruptcy estate was cured by the avoidance of the subject transfers and the availability of those assets to creditors of the bankruptcy estate.

Subordination of the Claim, therefore, is undue and unnecessary punishment to the Appellant and its beneficiaries. Subordination of the Claim in addition to the avoidance of the transfers is excessive and not supported by *Mobile Steel* and its progeny. Indeed, even when subordination is seemingly otherwise warranted, where the creditors are not injured, it is inappropriate. See *In re: SI Restructuring, Inc.*, 532 F3d 355 (5th Cir. 2008). “Loan proceeds were used to pay current unsecured creditors; thus, unsecured creditors were not harmed when appellants obtained security for loan.” *SI Restructuring* at 358. See also *In re: Fabricators, Inc.*, 926 F2d 1458 (5th Cir. 1991). “Equitable subordination ... is an unusual remedy which should be applied only in limited circumstances; moreover, the doctrine is remedial, not penal and should only be used to the extent necessary to offset specific harm that creditors suffered on account of the inequitable conduct. *Fabricators* at 1462.

Moreover, the findings of fact made by the Bankruptcy Court in support of subordination appear to represent an incomplete record of the case. Specifically, in finding that complete subordination of the Claim is appropriate, the Court commented on “significant administrative costs in the form of the Chapter 7 Trustee’s substantial attorneys fees and costs.” (Dk. 232 at 14). The Court also suggests that a delay in distribution to creditors of the bankruptcy estate is the fault of the Debtors. Yet, the record in the case concerning the Claim and its ultimate resolution reveals that: the Claim was timely filed on November 16, 2012. The Appellee’s Objection was filed on August 11, 2015, which was *three years* after the filing of the Claim; the trial of the Objection was in December, 2015 and the briefing scheduled concluded in February, 2016. Yet, the case remained under advisement until the Order was entered on July 6, 2017. Consequently, any blame for delay in the prosecution of the Claim should at a minimum, be shared, and should not fall on the shoulders of the Debtors or the Appellant.

Finally, in its discussion about subordination generally, and about the extent of subordination, specifically, the Bankruptcy Court suggests that the failure to subordinate the Claim would result in Nancy Eddy receiving a distribution in violation of Section 726 of the Bankruptcy Code. (Dk. 232 at 13). The logic employed by the Bankruptcy Court is that since Nancy Eddy is a debtor in the case, a distribution to her would result to a distribution to a debtor, before all other creditors are paid in full.

The Appellant respectfully disagrees with the analysis of the Bankruptcy Court. While the Bankruptcy Court correctly sets forth the principal that distributions to debtors are generally prohibited unless all creditors are paid in full, a distribution in this case would be made to the Appellant Trust, and not to Nancy Eddy. Nancy Eddy is a current beneficiary of the subject Trust, only, and no distribution would be made from the bankruptcy estate to Nancy Eddy, should the Order of the Bankruptcy Court be reversed, and a proper distribution allowed.

Moreover, the Bankruptcy Court's analysis is incomplete. While it acknowledges that Nancy Eddy is a beneficiary of the subject Trust, the Bankruptcy Court did not in its analysis consider that the two other beneficiaries of the subject Trust—Mike Eddy's children—are not even alleged to have engaged in inequitable conduct. (Dk. 232 at 13). But under the reasoning by the Bankruptcy Court, Mike Eddy's children should not receive a distribution even though they are not debtors and even though Section 726 of the Bankruptcy Code is not applicable to them.

Accordingly, should the Court find that adequate authority for subordination of the Claim exists, when examining the estate assets, including the fact that the subject transfers of assets have already been avoided, subordination of the Claim would be excessive and unnecessary.

III. The Bankruptcy Court erred by entering a final order subordinating a claim through a contested matter rather than through an adversary proceeding.

In the Bankruptcy Court's Order, it was conceded that equitable subordination should have been asserted in an adversary proceeding, as required by Bankruptcy Rules 3007(b) and 7001. The Bankruptcy Court dismissed the procedural and due process concerns expressed by the Appellant, however, and found that failure by the Appellee to properly bring the subordination issue through an adversary proceeding is in effect, harmless error.

While Appellant disagrees with the assessment by the Bankruptcy Court, Appellant acknowledges that in the event this Court reverses the decision by the Bankruptcy Court to subordinate the Claim to the claims of all other creditors in the Bankruptcy Case, this issue will then become moot, and will require no further disposition.

CONCLUSION

Appellant respectfully requests that this Court reverse the Bankruptcy Court's Order to the extent that the Claim was subordinated and order that the Claim be eligible for distributions from the bankruptcy estate in a proportion equal to the holders of all similarly situated claimants.

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Rule 8015(a)(7)(B) because this brief contains 3672 words, excluding the parts of the brief exempted by Rule 8015(a)(7)(B)(iii).

/s/ Scott W. Spradley
Scott W. Spradley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Initial Brief was served on all parties of record by electronic means through the CM/ECF system on October 31, 2017.

/s/ Scott W. Spradley
Scott W. Spradley

Application of Scott W. Spradley

38. Lawsuits

Jurisdiction	Style	Case Number	Nature of Lawsuit	Party	Disposition
Orange County	State of Florida v. Scott W. Spradley	1996-MO-12626 – 12629	Parking Tickets	Defendant	Ticket paid; cases dismissed 5/9/1996
Orange County	State of Florida v. Scott W. Spradley	1997-MO-3126 – 3130	Parking Tickets	Defendant	Ticket paid; cases dismissed 2/4/1997
Orange County	Scott W. Spradley and Susan T. Spradley v. Zams of Central Florida	1998-SC-6001	Suit against dry cleaner for damages	Co-Plaintiff	Settled by Stipulation 10/12/1998
Orange County	State of Florida v. Scott W. Spradley	2003-TR-243190	Traffic/Red Light Violation	Defendant	Ticket paid; case dismissed 11/12/2013
Orange County	Gourmet Gardens, et al. v. GrayRobinson, et al.	2007-CA-6411-0	Negligence	Co-Defendant	Dismissed by Court for Lack of Prosecution, 7/3/2012
Seminole County	Susan T. Spradley v. Scott W. Spradley	2009-DR-0799	Dissolution of Marriage	Respondent	Marital Settlement Agreement filed and Judgment of Dissolution of Marriage entered on August 7, 2009

Continuing Legal Education

Status and Credit History

for Scott Worth Spradley (Bar #782467) as of 08/09/2019

CLER Cycle

	Gen Credits	PR Credits	Tech Credits
Incomplete	14.0 of 30.0	4.0 of 5.0	1.0 of 0.0
	Cycle Start	Completed	Cycle End
	09/01/2016	--	08/31/2019

Basic Skills

Phase 1 Compliant	End 12/31/1998	Completed 03/19/1990
Phase 2 Compliant	End 12/31/1999	Completed 03/19/1990

Credit Date	Reference	Title	Item	Gen Cred	PR Cred	Tech Cred	Cycle	Date Posted
08/01/2018	1805159N	23rd Annual Southeast Bankruptcy Workshop	Live	14.0	4.0	1.0	08/31/2019	06/11/2019
08/26/2016	1605383N	Jacksonville Bankruptcy Bar 24th Annual Seminar	Live	6.0	1.0	0.0	08/31/2016	08/29/2016
04/29/2016	1603810N	CFBLA 2016 Annual Seminar	Live	8.0	2.0	0.0	08/31/2016	08/28/2016
03/05/2016	1984	2015 Case Law Update: Stay up to Date and Learn a	On-line	2.0	0.5	0.0	08/31/2016	08/28/2016
10/10/2015	1924	Bankruptcy Court Evidence Boot Camp: Basics to Adv	On-line	8.5	1.0	0.0	08/31/2016	08/28/2016
04/23/2015	1503985N	CFBLA Annual Seminar 2015: Bankruptcy in a Recover	Live	8.0	1.0	0.0	08/31/2016	08/28/2016

8/9/2019		CLE Status							
07/02/2013	1726	Introduction to the Practice of Consumer Law	CD	9.5	2.5	0.0	08/31/2013	08/31/2013	
06/14/2013	1545	Business Law UCC Seminar	DVD	8.0	0.0	0.0	08/31/2013	08/31/2013	
12/01/2012	1554	E ETHICS FOR E DISCOV CON	Audio Tape	1.0	1.0	0.0	08/31/2013	08/31/2013	
10/21/2012	1525	BASIC BANKRUPTCY COLLECTI	Audio Tape	8.0	1.0	0.0	08/31/2013	08/31/2013	
11/03/2011	1302	BANKRUPTCY LAW VIEW FROM	Live	4.5	0.5	0.0	08/31/2013	08/31/2013	

Application of Scott W. Spradley

54. References

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