

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY FLORIDA

CASE NO.: 2021 CA 000109
DIVISION: Christopher A. France

FLAGLER COUNTY,

Plaintiff,

v.

AJMAL M. ZULALI, ZUBAIR M.
ZULALI and 2251 S OLD DIXIE
HIGHWAY LLC,

Defendants.

_____ /

PLAINTIFF'S MOTION TO TAX ATTORNEY'S FEES AND COSTS

The Plaintiff, FLAGLER COUNTY, pursuant to Rule 1.525, of the Florida Rules of Civil Procedure, hereby moves to tax against the Defendant, 2251 S OLD DIXIE HIGHWAY LLC, its reasonable attorney's fees and costs and states:

1. This action involves the enforcement of an Agreement between Plaintiff, FLAGLER COUNTY, and the Defendant, 2251 S OLD DIXIE HIGHWAY LLC, regarding property located in Flagler County at 2251 South Old Dixie Highway, Bunnell, Florida 32110, Parcel No.: 03-13-31-0650-000A0-0091 ("Property") and more particularly described in instrument number 2017043977 recorded in Book 2247, Pages 1598 to 1601, of the Public Records of Flagler County, Florida.

2. On June 19, 2024 the Court entered an Order Granting Plaintiff's Amended Motion for Partial Summary Judgment. (DKT #79) finding that the Agreement is valid and binding between the parties and that Plaintiff fully performed its obligations under the Agreement.

3. The Order further finds that the Defendant, 2251 S OLD DIXIE HIGHWAY LLC, failed to perform its obligations under sections 3(A)(i), 3(A)(ii) and 3(B) of the Agreement.

4. The Plaintiff is entitled under section 7 of the Agreement to recover its reasonable attorney's fees and cost it incurs in this action.

WHEREFORE, the Plaintiff, FLAGLER COUNTY, respectfully requests that this Court grant the Plaintiff's, FLAGLER COUNTY, Motion to Tax Fees and Costs, finding:

A. The Defendant, 2251 S OLD DIXIE HIGHWAY, LLC, is responsible to pay the Plaintiff's, FLAGLER COUNTY, reasonable attorney's fees and cost incurred in the enforcement of the Agreement, which shall be determined by the Court at the conclusion of the proceedings.

B. All other relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 17, 2024, I electronically filed the foregoing with the Clerk of the Court by using the E-portal system which will send a notice of electronic filing to Theodore D'Apuzzo, Esquire at ted@dapuzzolaw.com and at service@dapuzzolaw.com and have mailed a copy to Ajmal M. Zulali and Zubair M. Zulali, 10780 Foxwood Road, San Diego, CA 92126.

/s/ Abraham C. McKinnon

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