

STATEMENT OF CLAIM

(Please print legibly)

Case No. _____

2017 SC 000623

Plaintiff(s): TERRANCE B. BRYANT

Defendant(s): JAMES CIGLER

Address: 6 ZEBRA CT.

Address: 2250 ELDER ST.

City, State, Zip Code: PALM COAST FL. 32164

City, State, Zip Code: BUNNELL FL. 32110

Telephone Number: 937-689-2141

Telephone Number: 386-237-4422

E-mail Address: tbryant6@worldnet.att.net

Plaintiff(s), TERRANCE B. BRYANT, sues Defendant(s), and alleges:

1. This is an action for damages which do not exceed \$5,000.00 exclusive of costs, interest, and attorney's fees.
2. Plaintiff(s) claims the amount of \$ 2,500 plus interest, attorney's fees (if applicable) and costs of this action as being due from the Defendant(s) and alleges as the basis of such suit the following matters:

SEE ATTACHED STATEMENT

(If applicable a copy of the written instrument is attached hereto.)

STATE OF FLORIDA
COUNTY OF FLAGLER

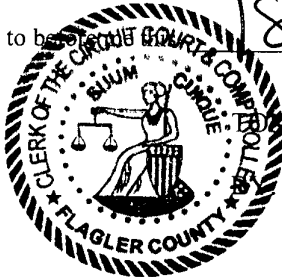
*Produced
FLDL*

Terrance Bryant
Plaintiff, Agent, or Plaintiff's Attorney
whose address/telephone is 6 ZEBRA CT
PALM COAST FL. 32164

The above named plaintiff, being duly sworn, states the foregoing claim is a just and true statement of the amount owing by the Defendant to the Plaintiff, exclusive of all set-offs and just grounds of defense. The Plaintiff states the Defendant is not in the Military Service of the United States. This action is brought in the county in which venue is proper pursuant to Florida Statutes, Chapter 47.

Subscribed and sworn to before me this 18 day of December, 2017.

(Seal)



Colin Bexley, CLERK OF CIRCUIT/COUNTY COURT & COMPTROLLER

Colin Bexley
(Deputy Clerk or Notary Public)

Revised: 8/28/2017

On Aug. 3 2017 I gave James Cigler a \$2500 deposit to re-roof a house located at 6 Zebra Ct. Palm Coast Fla. Located in Flagler County. When I was informed I would have to obtain my own permit, Cigler admitted he was breaking the law by offering me a contract for work he is not certified to do and for this action I filed a complaint with the Flagler Co. Sheriff. My deposit was then used for installation of gutters after I had a new roof that was to be completed by Sept. 1 2017. In order to meet my obligation, I paid a \$500 premium to expedite the completion of the roof. I informed Cigler on Aug. 23 the roof was complete and ready for him to begin. He informed me I was on schedule for Sept. 1. On Sept. 14 I contacted Cigler and told him if he can't do the work, I would find another company and this is where the text begins. I was told the materials were ruined in the hurricane and Lowes would charge him 5 times the normal amount to replace them and it would take 2 years to file an insurance claim. His resolve to this is I pay for the materials and he got to keep them. There is nothing in the contract about a cancellation or restocking fee. With no idea when the materials would be replaced, he never gave me a time when he was going to do the work. I consulted an attorney and while searching for his address, he came across 2 reviews that shows the same pattern of taking a deposit and not doing the work. I have given Cigler every opportunity to return my money and all I've gotten is excuses. My intent of filing this claim is recover my deposit and my expenses.



THE GUTTER GUY

HOME IMPROVEMENT & HANDYMAN SERVICES

386-237-4422

FREE ESTIMATES

NAME: Terry Bryant		DATE: 8-10-17	
ADDRESS: 6 Zebra Court			
CITY: Palm Coast		ST: FL	ZIP:
PHONE: 937-689-2161			

QTY	DESCRIPTION	AMOUNT
		10,500
	44 squares	
	of roof	
	TEAR off	
	Architectural	
	30 year shingle	
	w/ weather proof	
	barrier	
	new drip edge	
	new LEAD BOOTS	
	new SUCAN FAN	
	TEAR off	
	Includes dumpster	

*Thank You
for Your Business!*

SUB TOTAL	
TAX	
TOTAL AMOUNT	



THE GUTTER GUY

HOME IMPROVEMENT & HANDYMAN SERVICES

386-237-4422

FREE ESTIMATES

NAME: Terry BRYANT	DATE: 8-10-17
ADDRESS: 6 Zebra Court	
CITY: PALM COAST ST: FL	ZIP: 32100
PHONE: 937-689-2161	

QTY	DESCRIPTION	AMOUNT	
	6" GUTTERS	3500	—
	All Around		
	w/ DOWN SPOUTS		
	BACK BOX GUTTER		
	+ REPAIR BACK		
	PANEL ROOF		
	+ SEAL +		
	COAT w/		
	Liquid ALUMIN.		
	gp	2500	—

*Thank You
for Your Business!*

SUB TOTAL	
TAX	
TOTAL AMOUNT	1000 —

Welcome 7824_KBaker!


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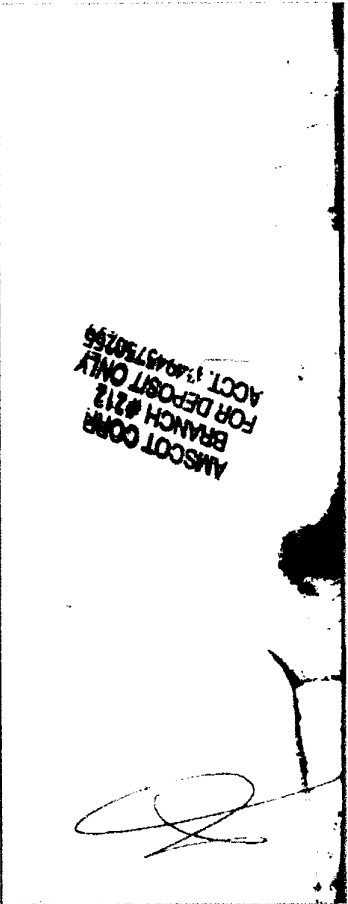
[Print](#)

TERENCE B. BRYANT
 3827 SEA TURTLE DR.
 DAYTON, OH 45414

Pay to the JAMES CIGARS Date 8-3-17 4193
 Order of TWO THOUSAND FIVE HUNDRED Dollars 0 ^{00/100}



For: _____ PIN 4193 *Terence Bryant*



Item-1

Tag	Date	Sequence	CUID	Serial	Ac
<input type="checkbox"/>	08-04-2017	90246196	242278247	4193	2

2

Payment Receipt**\$150.00**

Chiumento and Selis PL
145 City PI Suite 301
Palm Coast, Florida 32164
(386) 445-8900

Cardholder
Terrance Bryant
6 Zebra Court
Palm Coast, Florida 32164

Payment Summary

Account:	Operating	Amount Paid:	\$150.00
Reference:	Ron consult	Payment Method:	VISA
		Card Number:	██████████
		Entry Mode:	Manual
		Auth Code:	08775B
		Payment Date:	September 22, 2017 10:49 am
		Transaction Id:	8676868

Signature

By signing above, I confirm that I am an authorized user of the card being used for this transaction and understand and agree to the terms and conditions of this payment. I also agree to pay, and specifically authorize to charge my credit card for the services provided. I further agree that in the event my credit card becomes invalid, I will provide a new valid credit card upon request, to be charged for the payment of any outstanding balances owed.



www.palmcoastlaw.com
info@palmcoastlaw.com

*FLAGLER COUNTY ROOFING, INC
P. O. BOX 505
BUNNELL, FL 32110
386-437-1310 FAX: 386-437-0079
STATE LIC. # CCC057979*

RE: THE ROOF @ THE FOLLOWING ADDRESS

10 - 17 - 2017

*POLICY #
MR. TERRANCE BRYANT
6 ZEBRA CT.
PALM COAST FL 32164
1- 937-689-2161*

TO WHOM IT MAY CONCERN.:

THIS LETTER IS IN REGARD TO THE ABOVE MENTIONED PROPERTY, BELONGING TO MR. BRYANT OUR COMPANY (FLAGLER COUNTY ROOFING INC.) INSTALLED A COMPLETE SHINGLE RE ROOF. MR. BRYANT PAID AN ADDITIONAL \$ 500.00 TO GET THIS JOB EXPEDITED AND COMPLETED BY SEPTEMBER 1st 2017.

THE ORIGINAL PRICE WAS \$ 8,800.00 MR. BRYANT PAID \$ 9,300.00.

IF YOU HAVE ANY FURTHER QUESTIONS FEEL FREE TO CONTACT US AT (386-437-1310.)

THANK YOU, CINDY

*CERTIFIED ROOFING CONTRACTOR
FLAGLER COUNTY ROOFING, INC*



Mike S.

03/25/2017

Overall
Expertise
Professionalism
Promptness

Promises, Promise.....Never did the work but still has my deposit of \$450. Keeps saying, "I'll bring over tomorrow" You got it! tomorrow NEVER comes. Stay away from this crooked, lying cheat! Next stop for me... The police!

Helpful(0)

Share

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Earl J.

12/20/2016

Overall

The Gutter Guy, Mr. James Cigler Installed gutters on the front and rear of my house. The installers were incompetent and did not have the proper tools. The installers (three people) took one and a half days to do about five or six hours of work. I let it slide because Mr. Cigler told me that he was trying to give some needy people a break by employing them. I felt that Mr. Cigler was doing a lofty thing.

I needed additional work done and he told me that he had skilled, experienced people to accomplish the additional work and that he could start the work within a few days. We agreed on a price, \$1,500.00 for labor plus the cost of the material. Mr. Ciglar said that he would purchase the material from Lowes because he had a Lowes account that afforded him serious discounts. I gave him a check for \$1,000.00 for the material and some of the labor. The material was ordered Nov 16 2016 and delivered from Lowes the following Friday, Nov. 18/2016.

The material that was delivered was all wrong for the job. Example: He ordered 166 cement blocks, only 56 blocks were required and enough mortar and stucco to compliment 166 cement blocks. The framing material was wrong and he also purchased and delivered the tools for the job which indicated to me that he did not even have the assets to start the job. The tools included four (4) trowels and a Porter Cable circular saw and several cut off blades. Four men to lay 56 cement blocks I called Mr. Cigler immediately and told him to take all of the material and tools back and return the \$1,000.00. Lowes picked up the order on Fri, Nov. 25. The date is now Dec 20, 2016 and after several phone calls and promises to return the money, Mr. Cigler has has yet to show up!! The gutters leak badly.

I awarded The Gutter Guy One Star because it is a required entry.

It should be a minus 5 stars!!

Helpful(1)

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How to Conduct a DIY Roof Inspection

A simple roof inspection can be completed with a pair of binoculars. Learn what to look for.

Types of Roofing Material

Roofing materials vary in terms of price, weight and maintenance. Learn the basics and choose which type is best for your home.

Average Costs of Roofing Repairs

Your roof is one of the most essential parts of your home. If you need roofing repairs it's crucial that you hire a professional to make the right assessments.

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READ MESSAGE

Usage

4% of 1000.0 MB

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Drafts

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Deleted Items
save
Sent Items

Compose Get Mail Search Mail Address Book Settings Log Out

Reply Reply All Forward View Header Delete Report SPAM Printable View

Move to:

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From: Terrance Bryant <terry.bryant312@gmail.com>

To: Home <tbryant6@woh.rr.com>

Cc:

Subject: From 'Email My Texts' App

Priority: Normal Date: Tuesday, October 31, 2017 6:38 PM Size: 31 KB

This email was created using the 'Email My Texts' App
Phone: 9376882161
Email 'All' text messages

Thread: Gutter Guy 13862374422

To : Gutter Guy
Date : 09/14/2017 05:29:19 PM

I'm going to find someone else to do the gutters. You can send me a check for my deposit or drop it off. Terry Bryant

To YOU from : Gutter Guy
Date : 09/14/2017 05:33:36 PM
Fine minus the material money I will lose

To : Gutter Guy
Date : 09/14/2017 05:38:15 PM
There's no restocking fee at Lowes.

-> YOU from : Gutter Guy
Date : 09/14/2017 05:38:48 PM
etc
If i did the Gutter at UR home they would be gone from storm
Either or
Fine
I'll give u an invoice minus
My material I bought and refund u

To YOU from : Gutter Guy
Date : 09/14/2017 05:36:57 PM
I Jus t can't understand u
I lost my home
Complete loss
U call day after hurricane
And no remorse
No big deal to me
Then u say I have 1 day to compl

To YOU from : Gutter Guy
Date : 09/14/2017 05:39:18 PM
I have no reception that's y text

To YOU from : Gutter Guy
Date : 09/14/2017 05:39:33 PM
No material was at my home I lost

To YOU from : Gutter Guy
Date : 09/14/2017 05:39:43 PM
I'm homeless in motels

To : Gutter Guy
Date : 09/14/2017 05:45:17 PM
You told me you would show up AFTER labor day and you didn't. This job should have been finished before the storm.

To YOU from : Gutter Guy
Date : 09/14/2017 05:46:43 PM
I meant no from lowes
Your gutters and back roof material was in my shed all under water

To YOU from : Gutter Guy
Date : 09/14/2017 05:49:12 PM
ers and roof I'm sure u will be calling me

To YOU from : Gutter Guy
Date : 09/14/2017 05:49:18 PM
Let me know what u want 2 do
I guarantee u gutters and redoing roof will cost u a lot more
Back panel roof alone

I gave u a great deal once u shop gutt

To YOU from : Gutter Guy
Date : 09/14/2017 05:49:38 PM
Either or up 2 u my friend

To : Gutter Guy
Date : 09/14/2017 05:52:48 PM
This isn't saving money anymore. I wanted gutters 2 weeks ago. If you can't do it I want my deposit back.

To YOU from : Gutter Guy
Date : 09/14/2017 05:56:17 PM
oing
I refuse to go back and forth
I like u
But business is business
If this is not acceptable to you I'll have my lawyer send u info
I have a grea

To YOU from : Gutter Guy
Date : 09/14/2017 05:56:18 PM
I can do it
And I Jus t said 2 u minus the material
The storm hit
Idiots will price gouge u
I know my business
They will charge u 5 k for what I'm d

To YOU from : Gutter Guy
Date : 09/14/2017 05:56:21 PM
t rep
And I refuse for it to be tarnish:
Up to u

To YOU from : Gutter Guy
Date : 09/14/2017 05:57:44 PM
I can either finish or court
Doesn't matter to me
I b
Will not be bullied
Been in the game 2 many years

To YOU from : Gutter Guy
Date : 09/14/2017 05:59:11 PM
Can't believe the way UR acting tho
My god
I'm homeless with 4 kuds5
So
This is last text
I'm tired
Let me know
Tks

To : Gutter Guy
Date : 09/14/2017 06:00:08 PM
If you lost the material call your ins. agent. File a claim. Your not the victim. You didn't do what you promised. What you do think I should do?

To YOU from : Gutter Guy
Date : 09/14/2017 06:01:09 PM
Insurance
Lol
2 years backed up
Check it out

To YOU from : Gutter Guy
Date : 09/14/2017 06:02:36 PM
Do what u think is right
I'll be happy to refund difference
And then when you get screwed by a contractor
You will be wishing u didn't act this way

To YOU from : Gutter Guy
Date : 09/14/2017 06:03:11 PM
I'm done
Tired
Driving now with my kids trying to find another motel

To : Gutter Guy
Date : 09/15/2017 02:39:55 PM
Lets talk man to man sometime this weekend.

To YOU from : Gutter Guy
Date : 09/16/2017 09:19:35 AM
Tryed calling u
Never said it was going away
I'm onmond on a tile roof I'll call u when off

To YOU from : Gutter Guy
Date : 09/16/2017 09:19:50 AM
Let me know what u want to do

To : Gutter Guy
Date : 09/16/2017 09:43:38 AM
Must have missed your call. Call me when you're done.

To YOU from : Gutter Guy
Date : 09/16/2017 09:47:13 AM
K

To : Gutter Guy
Date : 09/22/2017 11:37:19 AM
I have taken this case to an attorney Ronald Hertel and I'm taking his advice. On Oct. 10th I will file a claim for the refund of \$2,500 if my money isn't returned. I will post my findings on your Facebook and Yelp pages and I will file a complaint with the Sheriff for quoting me a roofing estimate on which you aren't qualified to do. You have committed a crime by giving the estimate. Keep in touch.

To YOU from : Gutter Guy
Date : 09/22/2017 12:02:55 PM
What Are u saying

To YOU from : Gutter Guy
Date : 09/22/2017 12:04:22 PM
I am qualified to quote
And I gave licensed roofers who would of done work

To YOU from : Gutter Guy
Date : 09/22/2017 12:04:42 PM
So you wanna go to court
I'm trying to understand your message

To YOU from : Gutter Guy
Date : 09/22/2017 12:05:18 PM
Or you want a refund
If refund fine
I never did any work on your home
I was having a roofing company do it
Let me know

To YOU from : Gutter Guy
Date : 09/22/2017 12:05:39 PM
Thanks

To YOU from : Gutter Guy
Date : 09/22/2017 12:05:49 PM
No crime committed for nothing done

To : Gutter Guy
Date : 09/22/2017 12:06:48 PM
Really? I want my money back for the work you didnt do.

To YOU from : Gutter Guy
Date : 09/22/2017 12:10:11 PM
,I'm calling da to verify

To YOU from : Gutter Guy
Date : 09/22/2017 12:10:32 PM
Funny
Would of been done by now

To YOU from : Gutter Guy
Date : 09/22/2017 12:11:03 PM
And lucky we waited till after storm
Probably would of blown away

To YOU from : Gutter Guy
Date : 09/22/2017 12:12:46 PM
And yes
Really

To YOU from : Gutter Guy
Date : 09/22/2017 12:13:05 PM
Let me know what u want
Have a good day

To : Gutter Guy
Date : 09/22/2017 12:15:01 PM
I think were done here. I gave you a date. If you dont respond we will the court decide. All you have to do is return my money.

To YOU from : Gutter Guy
Date : 09/22/2017 12:31:05 PM
Fine
If send check before 10 10 17

To YOU from : Gutter Guy
Date : 09/22/2017 12:32:48 PM
ice day sir

To YOU from : Gutter Guy
Date : 09/22/2017 12:33:00 PM
If info on face book
Yelp and find you blading me for nothing I will see you in court
Slender
Sorry you had to go this way
You will get check
Have a n

To YOU from : Gutter Guy
Date : 09/22/2017 12:33:21 PM
If I go onto f book
And find you blasting I meant

To : Gutter Guy
Date : 09/22/2017 12:34:56 PM
Make it to Terrance not Terry.

To YOU from : Gutter Guy
Date : 09/22/2017 12:39:42 PM

Yes sir

To YOU from : Gutter Guy
Date : 09/22/2017 12:40:23 PM
Are we still going to court
If so I need to contact my attorney

To : Gutter Guy
Date : 09/22/2017 12:42:42 PM
Send me my money and it all goes away. I hope to never see you again.

To YOU from : Gutter Guy
Date : 09/22/2017 12:50:58 PM
I agree

To YOU from : Gutter Guy
Date : 10/13/2017 09:55:53 AM
How u want check made out

To : Gutter Guy
Date : 10/13/2017 10:14:41 AM
Terrance Bryant

To YOU from : Gutter Guy
Date : 10/13/2017 10:29:25 AM
Thank you

To : Gutter Guy
Date : 10/16/2017 01:41:00 PM
Today is the last day I will accept your check. Finalizing paperwork tomorrow for the summons.

To YOU from : Gutter Guy
Date : 10/16/2017 01:49:31 PM
Summons
No summons
Small claim court
Anyway
I'm mailing it out Friday
Up 2 u

To YOU from : Gutter Guy
Date : 10/16/2017 01:50:42 PM
I can either send u check
Or we go to court and u will get difference of what owed
Let me know
Easier to send check
Ok either way

To YOU from : Gutter Guy
Date : 10/16/2017 01:51:08 PM
..at me know
Tks

To : Gutter Guy
Date : 10/16/2017 02:45:20 PM
Put the check in my mailbox today and post date it till Friday.

To YOU from : Gutter Guy
Date : 10/16/2017 02:53:42 PM
I'm in s Daytona for 4 days
By ponce inlet
Out of town till Friday

To : Gutter Guy
Date : 10/16/2017 03:03:59 PM
See you at the pre-trial conference.

To YOU from : Gutter Guy
Date : 10/16/2017 03:15:52 PM
Ok

To YOU from : Gutter Guy
Date : 10/16/2017 03:16:28 PM
again
I'm out of town till Friday
Up 2 u

To YOU from : Gutter Guy
Date : 10/16/2017 03:16:38 PM
Have nice day

To YOU from : Gutter Guy
Date : 10/16/2017 03:26:25 PM
4 days out
If u can't wait fine
U agreed for work and you backed out
I will refund all Friday
If court I'll have my lawyer fight it
Up 2 u

To YOU from : Gutter Guy
Date : 10/16/2017 03:26:35 PM
Bye

Thread: Steve 9373714908

To YOU from : Steve



THE GUTTER GUY

HOME IMPROVEMENT & HANDYMAN SERVICES

386-237-4422

FREE ESTIMATES

NAME: Terry Bayant		DATE: 8-10-17	
ADDRESS: 6 Zebra Court			
CITY: Palm Coast		ST: FL	ZIP:
PHONE: 937-689-2161			

QTY	DESCRIPTION	AMOUNT
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	new LEAD BOOTS	
	new SUCAN FAN	
	TEAR off	
	Includes dumpster	

*Thank You
for Your Business!*

SUB TOTAL	
TAX	
TOTAL AMOUNT	