

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA**

HENRY HATCH HARRIS, III,
as guardian of the property
for KRISTEN CHAMBLESS
Plaintiff,

v.

CASE NO.: 2014-CA-003562

SENECA ONE, LLC,
Defendant.

FINAL JUDGMENT

THIS CAUSE comes before this Court for a non-jury trial following entry of judicial default on the issues of rescission, liability, and damages as to Counts I through IV of the Third Amended Complaint, filed on January 11, 2019 [DIN 123] ("Complaint"). Notice having been provided to all parties, and Substitute Party Plaintiff, PHYLLIS HARRIS, appearing with counsel, the Court having heard testimony, admitted Plaintiff's Trial Exhibits into evidence, heard argument of counsel, and being otherwise fully advised in the premises,

FINDS, as follows:

1. Plaintiffs filed their Complaint seeking rescission of a judgment, and damages against Defendant.
2. Defendant was served with the Complaint, and on or about March 19, 2019, Defendant purported to serve and file an Answer and Affirmative Defenses [DIN 124].
3. On November 9, 2020, after a duly noticed hearing on October 29, 2020 on Defendant's Motion to Withdraw as Counsel [DIN 127], the Court granted the Motion to Withdraw and ordered [DIN 145] that Defendant obtain counsel within thirty (30) days, i.e., by December 10, 2020 (the "Deadline").

4. Defendant failed to retain any new counsel, and no attorney appeared in the matter on behalf of Defendant. Additionally, Defendant further ceased to otherwise defend against the Complaint's allegations by the Deadline.

5. After a duly noticed hearing on Plaintiffs' Motion for Judicial Default [DIN 149] (the "Motion for Default"), this Court entered its Order Granting Plaintiff's Motion for Judicial Default [DIN 156] on January 25, 2022, and Plaintiff subsequently filed a Notice of a Non-Jury Trial [DIN 169] ("Trial Notice") on November 30, 2022.

6. The matter came on for non-jury trial, after a brief continuance, on June 1, 2023, and after hearing testimony and considering evidence, this Court determined to enter Final Judgment granting rescission and awarding Plaintiff damages for Counts I through IV as set forth hereinbelow.

THE COURT having taken into consideration the testimony and exhibits presented at trial, reviewed the pleadings, being otherwise fully advised in the premises, and having made the foregoing findings of fact,

It is hereby ORDERED and ADJUDGED that:

7. Plaintiff is entitled to judgment against Defendant on all Counts of the Complaint including:

- Count 1. Rescission;
 - Count 2. Exploitation of a Vulnerable Adult;
 - Count 3. Interception or Use of Wire, Oral, or Electronic Communications by Seneca One – Violation of Florida Statute §934.03(1); and
 - Count 4. Failure to Stipulate Discount and Finance Charges and Failure to Properly Disclose Required Information in Violations of Florida Statutes §626.99296;
8. Plaintiff's damages stemming from the foregoing are \$1,245,149.84.

9. Plaintiff is further entitled to recover costs in the amount of \$2966.61 and attorney's fees in the amount of \$119,341.50.

10. Judgment is hereby entered in favor of Substitute Party Plaintiff, PHYLLIS HARRIS, as guardian of the property of Kristen Chambless, whose address is 102 Monarch Drive, Santa Rosa Beach, Walton County, Florida 32459, and against Defendant, SENECA ONE, LLC, for damages plus attorney fees and costs in the total amount of **ONE MILLION THREE HUNDRED SIXTY-SEVEN THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS AND NINETY-FIVE CENTS (\$1,367,457.95)**, for all of which let execution issue.

11. The above referred to sums shall bear interest at the initial legal rate of 6.58% per annum, from the date of this Order until satisfied, for which sum let execution issue. The interest rate shall adjust in accordance with Section 55.03, Florida Statutes.

12. The Court's judgment in favor of Plaintiffs on Count 1 for Rescission necessitates the RESCISSION and VACATION of the following orders:

- a. The "AGREED FINAL ORDER OF COURT" entered by Florida's Fifth Judicial Circuit Court in and for Sumter County, Florida on August 20, 2010 in case number 2010-CA-000828 (recorded at Sumter County Official Records ORB 2223 Pages 688-702) is HEREBY RESCINDED AND VACATED.
- b. The "AGREED FINAL ORDER OF COURT" entered by Florida's Fifth Judicial Circuit Court in and for Sumter County, Florida on October 1, 2010 in case number 2010-CA-000988 (recorded at Sumter County Official Records ORB 2237 Pages 585-598) is HEREBY RESCINDED AND VACATED.
- c. The "AGREED FINAL ORDER OF COURT" entered by Florida's Fifth Judicial Circuit Court in and for Sumter County, Florida on December 6, 2010 in case

number 2010-CA-001344 (recorded at Sumter County Official Records ORB 2259 Pages 758-770) is HEREBY RESCINDED AND VACATED.

The Transamerica Annuity Service Corporation (“the Annuity Obligor”), as owner of the structured settlement annuity No. 861241TO02Z issued December 4, 1986 (the “Annuity”) and Transamerica Life Insurance Company successor by merger with Transamerica Occidental Life Insurance Company (“Annuity Issuer”), as issue of the Annuity are to be served with this Order.

13. The Court reserves jurisdiction on Plaintiff’s costs and attorney’s fees in connection with the collection of the sums.

14. Defendant shall complete under oath, Florida Rule of Civil Procedure Form 1.977(b) (Fact Information Sheet), including all attachments and serve it on Plaintiff’s attorney, Matthews & Jones, LLP, c/o Daniel O’Rourke, Esq., 4475 Legendary Drive, Destin, FL 32541 within forty-five (45) days from the date of this Final Judgment, unless the Final Judgment is satisfied, or post-judgment discovery is stayed.

15. Plaintiff may record this judgment, obtain a judgment lien for the amount of this judgment, and/or take all other actions to perfect or secure and execute on this judgment.

16. This Court retains jurisdiction over the parties to enforce this Final Judgment.

17. In cases wherein one party is unrepresented (pro se), it is the responsibility of the sole attorney in the case to serve within five business days this order upon any pro se party who does not have access to nor is a registered user of the Florida Courts e-Filing Portal.

DONE & ORDERED in chambers, Fort Walton Beach, Okaloosa County, Florida on September __, 2023.



eSigned by CIRCUIT COURT JUDGE JOHN T BROWN in 2014 CA 003562 F
on 09/15/2023 15:06:38 S3dMvu8i

Conformed copies furnished to:

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4475 Legendary Drive
Destin, FL 32541
dorourke@destinlaw.com

Seneca One
7920 Norfolk Ave.
Bethesda, MD 20814-2646

Transamerica Life Insurance Company
Attn: Structured Settlements Legal Department
4333 Edgewood Rd. NE, MS 2360
Cedar Rapids, IA 52499

Transamerica Annuity Service Corporation
Attn: Structured Settlements Legal Department
4333 Edgewood Rd. NE, MS 2360
Cedar Rapids, IA 52499

CLERK OF COURT

Document Image Sent via Email to Attorney of Record

By: _____

Deputy Clerk