

IN THE COUNTY COURT, THIRD JUDICIAL CIRCUIT,  
IN AND FOR MADISON COUNTY, FLORIDA.

FILED FOR RECORD  
CLERK CIRCUIT COURT  
MADISON COUNTY FLORIDA

12 JUL 18 PM 2:51

TIM SANDERS, CLERK

*Tim Sanders*

The Hon. BEN STEWART, in his  
official capacity as the Sheriff  
of Madison County, Florida,

Petitioner,

vs.

CASE NO. 2012-25-CC

CABOODLE RANCH, INC.,  
a Florida not-for-profit corporation,

Respondent.

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**ORDER ON RESPONDENT'S MOTION TO REDUCE AMOUNT  
OF BOND FOR STAY PENDING APPEAL**

THIS CAUSE having come before the court on RESPONDENT'S MOTION TO  
REDUCE AMOUNT OF BOND FOR STAY PENDING APPEAL (hereinafter the "MOTION  
TO REDUCE BOND") and the court having considered the matters presented finds as follows:

1. On July 11, 2012, the court held a telephonic status conference with DAVID W.  
COLLINS, Esq., the counsel for the Respondent, CABOODLE RANCH, INC., a Florida not-for-  
profit corporation, (hereinafter "CABOODLE") and GEORGE T. REEVES, Esq., counsel for the  
Petitioner, the Hon. BEN STEWART, in his official capacity as the Sheriff of Madison County,  
Florida, (hereinafter the "SHERIFF").

2. At such telephonic status conference, the parties waived hearing on the MOTION  
TO REDUCE BOND and requested the court to rule based upon the MOTION TO REDUCE  
BOND and the memorandum in opposition which was to be filed by the SHERIFF.

3. The SHERIFF has since filed PETITIONER'S MEMORANDUM OF LAW IN

OPPOSITION TO RESPONDENT'S MOTION TO REDUCE AMOUNT OF BOND FOR STAY PENDING APPEAL which the court has considered along with the MOTION TO REDUCE BOND.

4. On or about February 27, 2012, the SHERIFF seized and took custody of certain animals (hereinafter the "ANIMALS").
5. On May 3, 2012, May 4, 2012 and May 21, 2012, the court held a hearing pursuant to § 828.073(2), Fla.Stat., to determine the custody and control of the ANIMALS.
6. On June 22, 2012, the court entered its ORDER PLACING ANIMALS, dated June 22, 2012 (hereinafter the "ORDER PLACING ANIMALS") which takes the ANIMALS from CABOODLE and places them with the SHERIFF for disposition.
7. On June 28, 2012, CABOODLE served its MOTION FOR STAY PENDING APPEAL in which CABOODLE requested a stay of the ORDER PLACING ANIMALS during the pendency of the appeal of the ORDER PLACING ANIMALS.
8. On June 29, 2012, the court held a hearing on the MOTION FOR STAY PENDING APPEAL and on July 3, 2012 the court entered its ORDER [ON] RESPONDENT'S MOTION FOR STAY PENDING APPEAL in which the court stayed the ORDER PLACING CATS but conditioned such stay on CABOODLE posting a bond of \$1,800,000.00 by July 16, 2012.
9. CABOODLE has not posted the required bond within the above time limit and thus the stay set out in the ORDER [ON] RESPONDENT'S MOTION FOR STAY PENDING APPEAL has been automatically lifted.
10. CABOODLE asserts in the MOTION TO REDUCE BOND that the court erred in

setting the above bond for an amount in excess of the \$15,000.00 jurisdictional limit of the County Court and requests that the appeal bond be reduced to no more than the jurisdictional limits of the County Court.

11. Since the filing of the MOTION TO REDUCE BOND the court has determined to transfer this case to Circuit Court and thus the jurisdictional limits of the County Court are no longer relevant.


12. Even though the stay set out in the ORDER [ON] RESPONDENT'S MOTION FOR STAY PENDING APPEAL has been automatically lifted, the court finds it appropriate to continue a stay in effect which only prohibits the euthanasia of the ANIMALS except on the written recommendation of a licensed veterinarian.

THEREFORE it is hereby ORDERED and ADJUDGED as follows:

1. The MOTION TO REDUCE BOND is DENIED.
2. During the pendency of the appeal, a stay shall continue in effect to the extent, and only to the extent, that the SHERIFF shall not euthanize any ANIMAL except where euthanasia is recommended in writing by a licensed veterinarian.
3. At any time during the pendency of the appeal of the ORDER PLACING ANIMALS, CABOODLE may obtain an automatic stay of the ORDER PLACING ANIMALS, without the necessity of a motion or order, by posting a bond in an amount of not less than \$1,800,000.00 meeting the requirements Fla.R.App.P. 9.310(c) and, should the bond be posted through the use of a surety, in the form set out in Fla.R.App.P. Forms 9.900(i).
4. The court retains and shall have continuing jurisdiction to modify or rescind the stay set out herein. Fla.R.App.P. 9.310(a) Further the court retains and shall have continuing

jurisdiction to determine the actual sufficiency of the bond ordered herein and modify such bond if necessary. Fla.R.App.P. 9.310(c)(1)

DONE and ORDERED in chambers on July 18<sup>th</sup>, 2012,

  
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Gregory S. Parker  
Acting County Judge

Copies to: *mailed 7-18-12*

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