

CLAIM TO RECEIVE SURPLUS PROCEEDS OF A TAX DEED SALE

Complete and return to: Duval County Clerk of Courts
Tax Deeds Department
501 W. Adams Street, Room 1046
Jacksonville, Florida 32202

CLAIMS MUST BE FILED
WITHIN 120 DAYS OF THE
DATE THE SURPLUS NOTICE
WAS MAILED OR THEY ARE
BARRED.

By Mail: By Hand Delivery:

Note: The Clerk of the Court must pay all valid liens before distributing surplus funds to a titleholder.

Claimant's Name: Vicki Acosta

If a business, surplus funds payment is to be made payable to: _____

Contact Name, if applicable: Vicki Acosta

Address: 11947 Acosta Rd Jacksonville, Fl 32223

Mailing Address for surplus funds payment: 11947 Acosta, Jacksonville, Fl 32223

Telephone Number: [REDACTED] Email Address: [REDACTED]

Tax Deed File #: _____ Real Estate #: 164292-0100

Date of Sale (if known): 05/11/2022

I claim surplus proceeds resulting from the above tax deed sale.

NO claim will be filed. I am NOT making a claim and waive any claim I might have to the surplus funds on this tax deed sale.

I am a (check one) Lienholder; Titleholder

(1) LIENHOLDER INFORMATION (Complete if claim is based on a lien against the sold property).

(a) Type of Lien: Mortgage; Court Judgment; Other

Describe in Detail: Willed to Vicki Acosta, Nancy Swiger Appling and Estella Stewart (deceased 07/05/2022) by William H. Stewart Jr. also known as Willie H. Stewart, Jr.

IF YOUR LIEN IS RECORDED IN THE COUNTY'S OFFICIAL RECORDS, LIST THE FOLLOWING, IF KNOWN:

Recording Date: _____; Instrument #: _____; Book #: _____; Page #: _____

(b) Original Amount of Lien: \$ _____

(c) Amount Due: \$ _____

1. Principal Remaining Due: \$ _____

2. Interest Due: \$ _____

3. Fees and Costs Due, Including Late Fees: \$ _____ (describe costs in detail. Include additional sheet if needed).

4. Attorney Fees: \$ _____ (provide amount claimed): \$ _____

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(2) TITLEHOLDER INFORMATION (Complete if claim is based on title formerly held on sold property).

(a) Nature of title (check one): Deed; Court Judgment; Other

Describe in Detail: Willed to Vicki Acosta, Nancy Swiger Appling and Estella Stewart (deceased) as per Article V (funds should be split between Vicki Acosta and Nancy Swiger Appling.)

(b) If your former title is recorded in the county's official records, list the following, if known:

Recording Date: _____; Instrument #: _____; Book #: _____; Page #: _____

(c) Amount of surplus tax deed sale proceeds claimed: \$ 16331.75

(d) Does the titleholder claim the subject property was homestead property? Yes No

I acknowledge that I am making the above representations under oath in order to receive payment of such funds, and understand that, if it is later discovered or determined that payment of such surplus funds to me was in error, I am personally liable for the repayment of such surplus funds to the Clerk of the Circuit Court.

I HEREBY SWEAR OR AFFIRM THAT ALL OF THE ABOVE INFORMATION IS TRUE AND CORRECT.

Date: ^{vs} 06/27/23 7/14/23

Signature: Vicki Acosta

Print Name: Vicki Acosta

STATE OF FLORIDA

DUVAL COUNTY

Sworn to or affirmed and signed before me on 07/14/23 by Vicki Acosta
(Date) (Name of Affiant)

NOTARY PUBLIC

Bonnie Pfuntner
(Name of Notary)

Bonnie Pfuntner
(Stamp Commissioned Name of Notary)

Personally Known, or: _____

Produced Identification: ✓

Identification Produced: FL Drivers License



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2022-0116TD

SURPLUS FUNDS CLAIM INFORMATION SHEET

Please read this information sheet carefully before submitting your claim for surplus funds. If you have any questions, please contact our office at (904)255-1916. The attached form can be used to claim the excess proceeds from a Tax Deed sale by a former owner, heir, Governmental lienholder, non-governmental lienholder, mortgage holder, or other party who has a legal interest in a property.

TO BE CONSIDERED FOR PAYMENT OF ANY PORTION OF THE SURPLUS FUNDS, YOU MUST FILE A NOTARIZED, COMPLETE AND PROPERLY SIGNED STATEMENT OF CLAIM WITH THIS OFFICE WITHIN 120 DAYS OF THE MAILING OF THE NOTICE OF SURPLUS FUNDS. Fla. Statute 197.582 (3)

Other than the property owner or a Federal Lienholder, if you fail to file a claim for surplus funds within the 120 days from the date of the notice of surplus funds, you waive all of your rights to the surplus funds, and filing any claim thereto are forever barred, pursuant Fla. Statute 197.582 (5).

In order for your claim to be complete, you must provide a copy of your State issued photo ID, Business ID, or the equivalent. We must have copies of the documents that show that you are entitled to the surplus funds, such as Probate Records, your recorded deed, lien, or mortgage. Incomplete claims will be returned so please ensure you have included all the necessary documents.

Please return your completed ORIGINAL claim form to the Tax Deeds office either in person or by mail. Our office is located in the Duval County Courthouse. Our office hours are 8:00am – 5:00pm, Monday through Friday. Our address is as follows:

**Duval County Clerk of Courts
Tax Deeds Department
501 West Adams Street, Room 1046
Jacksonville, Florida 32202**

Please note you may claim these funds yourself. You are not required to have a Lawyer or any other representation. You are not required to assign your interest to any other party in order to claim any money to which you are entitled.

If you decide to seek the assistance of an asset collection agency or other entity to aid in preparation of the claim for surplus funds, please **VERY CAREFULLY READ** all documents presented to you for signature. Seek advice from a third party such as an Attorney who is not affiliated to the agency or entity offering to aid in the collection of the surplus funds. This will ensure that you understand the surplus process and that you are not unknowingly transferring your interest in the property without complete information. If you cannot afford an attorney, Jacksonville Area Legal Aid, Inc., may be of assistance. JALA is located at 126 West Adams Street, Jacksonville, Florida 32202. Their phone number is (904)356-8371. If JALA cannot assist you, they may be able to refer you to a local Bar Referral Agency or suggest other options.

If you have questions regarding the surplus claim process please contact the Clerk of Court, Tax Deeds Department by email at: Ask.Taxdeeds@DuvalClerk.com, or in person at: **501 West Adams Street, Room 1046, Jacksonville, Florida 32202**, or by phone at: **(904)255-1916**. Please be aware we are not legal counsel and cannot provide legal assistance or advice. However, our office will gladly assist in answering your questions within the confines of our statutory duties.

To view or print documents from the Tax Deed File pertaining to the sale of this specific property, please visit our Tax Deed Public File Viewer at <https://www2.duvalclerk.com/departments/tax-deeds/>

The authority of the Duval County Clerk of Court in relation to Surplus Distribution from the proceeds of a Tax Deed sale is referenced in the subsection of Fla. Statutes 197.582.

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Included:

Letter of intent.

Copy of administration papers.

Estella H. Stewart's death Certificate.

A copy of William H. Stewart's death Certificate.

Also included is a copy of William H. Stewart's last will and testament.

A letter from the attorney stating that Estella has given up her rights to the property. With a property description, which is the property that was sold by the state.

I was advised by a lawyer to send a petition for summary administration of testate estate.

These forms also included an attachment as to why the funds need to be administered as requested.

Surplus Claim form for Nancy Swiger Appling, including copy of ID.

Surplus Claim form for Vicki Acosta, including copy of ID

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Letter of intent:

William H. Stewart, Jr. Also known as Willie H. Stewart, Jr. He died on September 18th 2007. His property assets included this empty lot and the half ownership of 2384/2386 Anniston Rd.

There was a lien on the empty lot, which was later sold for taxes. The lien was placed on the property in error. Wachovia Bank was supposed to place the lien on 2384 Anniston Rd. Wachovia realized their mistake but failed to correct it during my father's lifetime.

Before his death my father had a verbal agreement with Estella Stewart, Vicki Acosta and Nancy Swiger Appling that she would pay the mortgage with the funds from his pension. After his death Estella hired a lawyer who told her she needn't pay the mortgage, because of the bank error.

I spent several years explaining to Wachovia/Wells Fargo their mortgage errors. Of which there were over 20. It took several years but I was able to eventually have the bank remove the lien and release the mortgage. In the meantime, Estella Stewart had moved away from the 2384 Anniston Rd and her lawyer sent a letter stating that she was giving up her life estate. He also included a property description, which was the empty lot. **This exempted her from any benefit from the sale of said property.**

I am including a copy of William H. Stewart, Jr. will. Article V of his will, states that as his personal representative, Vicki Acosta, **has been given the power to act with full power and authority as William H. Stewart would, if living.** With Estella now deceased, he would want the funds split equally between Vicki Acosta and Nancy Swiger Appling. Just as he would if Estella had preceded him in death. Whereas if Nancy or Vicki had preceded him in death, he stated that our lineal descendants have equal shares.

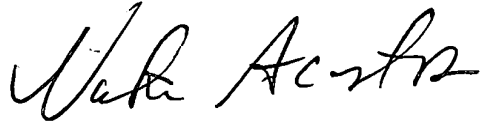
I am enclosing a copy of Estella's death certificate. I have contacted the lawyer that filed her will, but could not attain a copy of her will. I let them know of the surplus funds several months ago. The lawyer gave me two names for her representatives but no contact information. I was able to locate a phone number for one of the representatives but it had been disconnected. There have been no requests for the funds.

Estella gave up her life estate and privileges in dealing with the properties of William H. Stewart, Jr. when she left, 2384 Anniston Rd, and refused to pay the mortgage. Please release the funds promptly in the name of Vicki Acosta and Nancy Appling, as per the surplus funds claim form.

At the time of our original request for surplus funds, Estella had been alive. We requested 33.34 % of the funds, per the will. Even though Estella had given up her rights to said property. We were willing to share. But given her death on July 5, 2022 and no request for the funds by anyone connected to Estella. We are requesting the remaining

funds be split between his daughters, Vicki Acosta and Nancy Swiger Appling, as per William H. Stewart Jr's desires.

Thank you for your help in this matter,

A handwritten signature in black ink that reads "Vicki Acosta". The signature is written in a cursive style with a large initial "V" and a long, sweeping underline.

Vicki Acosta
Personal Representative
11947 Acosta Rd
Jacksonville, FL 32223
904-432-6297

Case ID : 2022-0116TD
Parcel ID : 164292-0100
Certificate : 19807-2018
Tax ID : 164292-0100

Attachment:

William H. Stewart Jr. also known as Willie H. Stewart Jr. died on September 18, 2007.

1. The will listed Estella Stewart, Vicki Acosta and Nancy Swiger as beneficiaries.
2. The property that was sold for taxes had been under a lien by Wachovia.
3. The lien was placed in error, because of this, Estella refused to pay the mortgage..
4. Estella moved, leaving no forwarding information. Agreeing to give up her life estate.
5. After several years of dealing with Wachovia and providing information proving that over 20 errors had been made when issuing the mortgage, the bank decided to withdraw all claims to the property and void the mortgage.
6. Estella died on July 5, 2022. I contacted the lawyer, who filed her will and was unable to attain a copy. I also informed him of the surplus funds.
7. No claims have been made against the property by her estate.
8. **According to Article V in William H. Stewarts will: Vicki Acosta acting as representative, has the power to act as William would if living.**
9. **William would have the remaining funds issued to Vicki Acosta and Nancy Swiger Applying.** Just as he would if Estella had preceded him in death.
10. Please issue as per the attached surplus affidavit claim

