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**RESOLUTION NO. 2011-34**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$32,978.30; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

**WHEREAS**, FIGUEREDO & BOUTSIS, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending April 19, 2011, in the amount of \$32,978.30; and,

**WHEREAS**, the amounts are reasonable and were necessarily incurred.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** The statements for attorneys' fees and costs received from FIGUEREDO & BOUTSIS, P.A., in the total amount of \$32,978.30, copies of which are attached, are approved for payment.

**Section 2.** This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 2nd day of May, 2011.

Attest:

  
Meighan Alexander  
Village Clerk

  
Shelley Starczyk  
Mayor

APPROVED AS TO FORM:

  
Eve A. Boutsis,  
FIGUEREDO & BOUTSIS, P.A., as Office  
of the Village Attorney

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**FINAL VOTE AT ADOPTION:**

- Council Member Patrick Fiore                    YES
- Council Member Howard J. Tendrich           YES
- Council Member Joan S. Lindsay               YES
- Vice-Mayor Brian W. Pariser                   YES
- Mayor Shelley Stanczyk                         YES

# FIGUEREDO & BOUTSIS, P.A.

## Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 235-9344

Miami, Florida 33157-6417

Facsimile: (305) 235-9372

April 20, 2011

Ron Williams, Village Manager  
Village of Palmetto Bay  
8950 SW 152nd Street  
Palmetto Bay, FL 33157

Re: STATEMENTS FOR PROFESSIONAL SERVICES  
The Village of Palmetto Bay

Dear Mr. Williams:

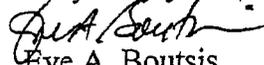
Enclosed are our invoices for professional services rendered and for costs advanced for the period ending April 19, 2011, in the amount of \$32,978.83. I have tabulated the amounts *currently due* on each individual file as follows:

<b>Please deduct from Village Attorney Account No. 5143110, General Legal.</b>			
0293-001	Non-Retainer Legal Services <i>Invoice No. 20235 dated 4/19/11</i>	Prof'l Services Disbursements <b>Total Due</b>	\$ 8,066.00 482.95 <b>8,548.95</b>
	<b>Total</b>		<b>\$ 8,548.95</b>
<b>Please deduct from Village Attorney Account No. 5143140, Code Enforcement.</b>			
0293-002	<i>Zoning Application</i> <i>Invoice No. 20236 dated 4/19/11</i>	Prof'l Services Disbursements <b>Total Due</b>	\$ 2,053.50 41.07 <b>2,094.57</b>
	<b>Total</b>		<b>\$ 2,094.57</b>
0293-004	<i>Code Enforcement</i> <i>Invoice No. 20236 dated 4/19/11</i>	Prof'l Services Disbursements <b>Total Due</b>	\$ 259.00 5.18 <b>264.18</b>
0293-027	<i>Palmer Trinity Private School vs. VPB</i> <i>Invoice No. 20237 dated 4/19/11</i>	Prof'l Services Disbursements <b>Total Due</b>	\$ 14,541.00 3,926.75 <b>18,467.75</b>

0293-029	<i>Palmer Trinity Private School vs. VPB- Appeal Invoice No. 20237 dated 4/19/11</i>	Prof'l Services	\$	3,108.00
		Disbursements		494.85
		<b>Total Due</b>		<b>3,602.85</b>
	<b>Grand Total</b>		\$	<b>32,978.83</b>

Do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,



Eve A. Boutsis

Office of the Village Attorney

EAB/lcm

Enclosures

cc: Mayor and Village Council

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FIGUEREDO & BOUTSIS, P.A. IN THE AMOUNT OF \$32,978.30; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no. 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,

WHEREAS, FIGUEREDO & BOUTSIS, P.A., submitted its statements to the village for legal services rendered, and costs advanced, for the period ending April 19, 2011, in the amount of \$32,978.30; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from FIGUEREDO & BOUTSIS, P.A., in the total amount of \$32,978.30, copies of which are attached, are approved for payment.

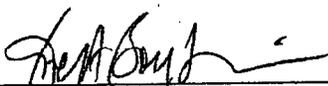
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this \_\_\_\_\_ day of May, 2011.

Attest: \_\_\_\_\_  
Meighan Alexander  
Village Clerk

\_\_\_\_\_  
Shelley Stanczyk  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eve A. Boutsis,  
FIGUEREDO & BOUTSIS, P.A., as Office  
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore \_\_\_\_\_

Council Member Howard J. Tendrich \_\_\_\_\_

Council Member Joan Lindsay \_\_\_\_\_

Vice-Mayor Brian W. Pariser \_\_\_\_\_

Mayor Shelley Stanczyk \_\_\_\_\_

**FIGUEREDO & BOUTSIS. P.A.  
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Shelley Stanczyk  
Village of Palmetto Bay  
9705 E. Hibiscus Street  
Palmetto Bay, Florida 33157

April 19, 2011  
Matter ID: 0293-001  
General Municipal-VPB  
Invoice Number 20235

			Hours	Amount
3/22/2011	EAB	Attention to Fence Connection close out.	0.40	74.00
3/23/2011	EAB	Telephone conference with Mr. Chris Stearns regarding Garcia v. VPB.	0.30	55.50
3/24/2011	EAB	Attention to park related item with Mr. Kirk Hearin; attention to Jennings matter; legal research relating to same; drafted memorandum/article relating to sunshine, public records and Jennings; drafted memorandum for Charter Revision Comm. relating to public records and sunshine.	3.50	647.50
3/25/2011	EAB	Drafted resolution and cover memo on Permitting Advisory Committee; telephone conference with Mayor Shelley Stanczyk; telephone conference with Ms. Meighan Alexander; telephone conference with Mr. Ron Williams; and revised same.	1.60	296.00
3/25/2011	EAB	Attention to Building related issues; attention to Mr. Woods' request; email communications with Mr. Ed Silva; and telephone conference with Ms. Alexander.	0.40	74.00
3/25/2011	EAB	Telephone conference with Ms. Alexander, Mr. Williams and drafted JFTA resolution.	0.40	74.00
4/1/2011	EAB	Researched senate bill relating to Citizen's Property Insurance and drafted legislative agenda item relating to same.	1.00	185.00
4/1/2011	EAB	Attention to building issues with Mr. Silva and his staff; telephone conference with Mayor Stanczyk; attention to agenda items.	1.30	240.50
4/1/2011	EAB	Telephone conference with Mr. Bill Kress and attention to Herald article.	0.30	55.50
4/4/2011	EAB	Attention to agenda items; received assignment from Mayor Stanczyk; telephone conference with CP Patrick Fiore; attention to library and pending matters with VM Brian Pariser.	1.00	185.00
4/4/2011	EAB	Attended council meeting.	4.70	869.50
4/5/2011	EAB	Attention to playground equipment with Mr. Hearin.	0.30	55.50

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

## CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

4/5/2011	EAB	Telephone conference with Mr. Williams regarding after action to council meeting.	0.30	55.50
4/5/2011	EAB	Research as to recall process; telephone conference with CP Howard Tendrich.	1.00	185.00
4/6/2011	EAB	Telephone conference with Mayor Stanczyk on pending matters; telephone conference with CP Fiore; and attention to decision of SFRPC as to CIP approval.	0.60	111.00
4/7/2011	EAB	Attention to pending matters; and after action matters.	0.60	111.00
4/7/2011	EAB	Updated and revised signage ordinance and cover memorandum for May council meeting.	1.00	185.00
4/7/2011	EAB	Attention to Jane Forman contract termination/vacancy of lease.	0.30	55.50
4/11/2011	EAB	Communications with Mr. Matthew Traiser regarding Tower Facility on ADA property; telephone conference with CP Tendrich on signage ordinance; revised and finalized same; and analyzed JFTA and provided direction to Mr. Hearin.	1.00	185.00
4/11/2011	EAB	Attended FPL meeting with FPL representatives, CP Tendrich and Mayor Stanczyk.	2.30	425.50
4/11/2011	EAB	Prepared for and attended meeting with Finance and Parks dept. regarding JFTA close out.	1.30	240.50
4/11/2011	EAB	Began revising and updating village attorney May update.	0.70	129.50
4/11/2011	EAB	Follow up with FPL and Final Report due on June 1, 2011.	0.20	37.00
4/12/2011	EAB	Attention to JFTA close out letter and revised same; and attention to MDC Municipal notifications and updates as to same	1.50	277.50
4/13/2011	EAB	Attended COW meeting.	4.00	740.00
4/14/2011	EAB	Prepared update to May Village Attorney Update; prepared cover memos on new ordinances for first reading - sign ordinance, campaigning ordinance, and garage sales; communications with DERM relating to tree ordinance; communications with Mr. Craig Collier and VM Pariser on County signage code implementation and affect in Village; attention to FPL and agency report; follow up on same; and communications with council persons relating to agenda items	3.00	555.00
4/14/2011	EAB	Telephone conference with Mr. Williams.	0.30	55.50
4/15/2011	EAB	Communications with Ms. Liz Hernandez, counsel for Coral Gables re: FPL matter; began drafting agency report regarding same.	2.50	462.50
4/15/2011	EAB	Attended meeting relating to changes in Growth Management Bill and effects relating to local government (attended with planners and lawyers) as to implementation and ramifications.	3.00	555.00
4/15/2011	EAB	Attention to JFTA matter.	0.40	74.00
4/17/2011	EAB	Follow up with Ms. Cynthia Everette and Ms. Hernandez regarding	1.50	277.50

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

agency report; and continued drafting same.

4/19/2011	EAB	Attention to campaign ordinance revisions; attention to agenda items; and telephone conference with Ms. Alexander.	0.40	74.00
4/19/2011	EAB	Continued drafting agency report, analyzed Comprehensive Plan, and LDC for applicable ordinances on point.	2.50	462.50
				<hr/>
			Total Professional Services	8,066.00

**Rate Summary**

Eve A. Boutsis	43.60 hours at \$185.00/hr	8,066.00
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Total hours:	<hr/> 43.60	<hr/> 8,066.00
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**Disbursements**

3/16/2011	Mileage	15.84
3/16/2011	Parking Charge	12.00
3/31/2011	Database Legal research	258.79
4/15/2011	Seminar	35.00
4/19/2011	Disbursements incurred - 2.0%	161.32

**Payments and Credits**

4/18/2011	Check No.: 12690	9,658.70
		<hr/>
Sub-total Payments:		9,658.70

For Professional Services	8,066.00
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For Disbursements Incurred	482.95
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Current Balance:	<hr/> 8,548.95
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Previous Balance:	9,658.70
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Payments - Thank you	9,658.70
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<b>Total Due</b>	<hr/> <b>8,548.95</b>
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To be properly credited, please indicate Invoice Number on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.



CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

**Rate Summary**

Eve A. Boutsis	11.10 hours at \$185.00/hr	2,053.50
	Total hours:	11.10
		2,053.50
4/19/2011	Disbursements incurred - 2.0%	41.07

**Payments and Credits**

4/18/2011	Check No.: 12690	3,056.94
	Sub-total Payments:	3,056.94

For Professional Services	2,053.50
For Disbursements Incurred	41.07
	2,094.57
Current Balance:	
Previous Balance:	3,056.94
Payments - Thank you	3,056.94
	2,094.57
<b>Total Due</b>	<b>2,094.57</b>

To be properly credited, please indicate Invoice Number on your remittance check.

**FIGUEREDO & BOUTSIS, P.A.  
ATTORNEYS & COUNSELORS**

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

Shelley Stanczyk  
Village of Palmetto Bay  
9705 E. Hibiscus Street  
Palmetto Bay, Florida 33157

April 19, 2011  
Matter ID: 0293-004  
Code Enforcement  
Invoice Number 20237

			Hours	Amount
3/29/2011	EAB	Attention to Goodwill matter and communications with Ms. Eileen Mehta.	0.30	55.50
3/30/2011	EAB	Communications with Ms. Mehta.	0.20	37.00
4/4/2011	EAB	Attention to Goodwill; communications with Ms. Mehta.	0.30	55.50
4/7/2011	EAB	Communications with Ms. Mehta and finalized settlement proposal in Goodwill matter.	0.20	37.00
4/11/2011	EAB	Communications with Ms. Mehta.	0.20	37.00
4/14/2011	EAB	Communications with Ms. Mehta on pending items.	0.20	37.00
				259.00
			Total Professional Services	259.00

**Rate Summary**

Eve A. Boutsis 1.40 hours at \$185.00/hr 259.00

Total hours: 1.40 259.00

4/19/2011 Disbursements incurred - 2.0% 5.18

**Payments and Credits**

4/18/2011 Check No.: 12690 75.48

Sub-total Payments: 75.48

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	259.00
For Disbursements Incurred	5.18
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Current Balance:	264.18
Previous Balance:	75.48
Payments - Thank you	75.48
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<b>Total Due</b>	<b>264.18</b>

To be properly credited, please indicate Invoice Number on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

**FIGUEREDO & BOUTSIS, P.A.**  
*Attorneys & Counselors*

18001 Old Cutler Road, Suite 533, Miami, Florida 33157

Telephone: (305) 235-9344

Facsimile: (305) 235-9372

Eugene P. Flinn, Jr.  
8950 SW 152nd Street  
Palmetto Bay, Florida 33157

April 19, 2011  
Matter ID: 0293-027  
Palmer Trinity Private School,

Invoice Number 20238

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			Hours	Amount
3/22/2011	EAB	Communications with Mr. Tucker Gibbs; revised affidavits; and telephone conference with Founding Mayor Eugene Flinn.	3.00	555.00
3/23/2011	EAB	Extended telephone conference with CP Joan Lindsay; telephone conference with CP Howard Tendrich; telephone conference with CP Patrick Fiore; telephone conference with VM Brian Pariser; telephone conferences with Mr. Ron Williams; telephone conference with Mr. Gibbs; communications with Mr. Sean Cleary; telephone conference with Mayor Shelley Stanczyk; communications with Mr. Stanley Price; communications with Miami-Dade County; research on DERM, Chapter 24 and home rule power; and attention to County Archeological matter.	9.00	1,665.00
3/23/2011	EAB	Attended attorney client session.	2.00	370.00
3/24/2011	EAB	Completed analysis of documents; telephone conferences with Mr. Gibbs; communications with Mr. Cleary; drafted letter to Mr. Price; drafted 57.105, F.S. letter; conducted research; and attention to pending items.	6.50	1,202.50
3/28/2011	EAB	Prepared for and attended hearing; attention to causes of action in second amended complaint; telephone conference with Mr. Gibbs; conducted legal research; telephone conference with VM Pariser; telephone conference with Mayor Stanczyk; telephone conference with CP Tendrich; attention to DERM and Archeology related matters; and attention to community communications.	9.00	1,665.00
3/29/2011	EAB	Drafted order pursuant to 3/28/2011 hearing; telephone conference with Mayor Stanczyk; telephone conference with CP Fiore; communications with VM Pariser; communications with CP Tendrich; communications with MDC; began research on punitive damages and analysis of second amended complaint; conducted legal research; and analysis and began drafting motion to dismiss.	5.50	1,017.50
3/30/2011	EAB	Conducted research on new causes of action in second amended complaint; and continued to draft motion to dismiss; telephone conferences with Fla. League; telephone conference with Mr. Desmond Chin; telephone conference with Mr. Gibbs; telephone	9.00	1,665.00

Payment is due upon receipt. Please notify us within 10 days of receipt of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

		conference with Mr. Jeff Hochman; communications with council; and attention to MDC enforcement and FWC enforcement.		
3/31/2011	EAB	Continued legal research and drafting of motion to dismiss - ripeness, mootness, jurisdiction, etc; attention to FWC.	8.00	1,480.00
4/1/2011	EAB	Telephone conference with Mr. Gibbs; completed edits to motion to dismiss; and telephone conference with Mayor Stanczyk; attention to abuse of process; and telephone conference with Mr. Gibbs; and continued legal research.	4.00	740.00
4/4/2011	EAB	Attention to litigation; telephone conference with Mr. Hochman; telephone conference with Mr. Gibbs; telephone conference with Mayor Stanczyk; revised Dr. Ed Feller affidavit; and telephone conference with Mr. Cleary.	2.00	370.00
4/5/2011	EAB	Telephone conference with Mr. Williams; and communications with PT and Mr. Gibbs.	0.40	74.00
4/5/2011	EAB	Drafted motion to stay/protective order as to depositions.	0.60	111.00
4/6/2011	EAB	Telephone conference with Mr. Gibbs; telephone conference with Mr. Hochman; revised draft order and issued communications to PT legal consultants, Mr. Price and Mr. Hochman; attention to discovery.	1.30	240.50
4/7/2011	EAB	Telephone conference with Mr. Hochman; telephone conference with Mr. Gibbs; attention to subpoenas for deposition; attention to research on law of the case; communications with council; and communications with Counsel for PT.	2.30	425.50
4/8/2011	EAB	Attention to litigation; communications with Mr. Hochman, Communications with Mr. Cleary; telephone conference with Mr. Gibbs; telephone conference with VM Pariser; and conducted legal research.	2.70	499.50
4/11/2011	EAB	Communications with Mr. Cleary, Mr. Ben Kuehne, Mr. Gibbs; attention to litigation; communications with Mr. Hochman; telephone conference with Mayor Stanczyk; and telephone conference with Mr. Hochman.	1.00	185.00
4/12/2011	EAB	Attention to upcoming hearings; communications with City of Miami regarding Dougherty case updates.	0.60	111.00
4/13/2011	EAB	Telephone conference with Mr. Jeff Hochman; telephone conference with Mr. Gibbs and attention to pending motion.	1.00	185.00
4/13/2011	EAB	Attention to discovery; telephone conference with Mr. Gibbs; telephone conference with Mr. Hochman; communications with all counsel relating to discovery, deadlines, and pleadings, ordered transcript; and updated council.	2.00	370.00
4/14/2011	EAB	Attention to appellate deadlines and to motion to enforce mandate; telephone conference with Mr. Gibbs; analyzed pleadings in Dougherty matter; and telephone conference with counsel for City of Miami relating to same.	2.70	499.50

**Figueredo Boutsis & Montalvo,**

**Matter ID: 0293-027 Statement No.: 20238**

**Page: 3**

4/18/2011	EAB	Attention to upcoming hearings and distribution of documents, production, transcripts, etc. to Jeff Hochman; revised same and prepared turn over to Mr. Hochman.	2.50	462.50
4/19/2011	EAB	Prepared for and attended hearing; conference with Mr. Hochman; communications with Mr. Gibbs; attention to after action from hearing; communications with Miami Herald on return of Exhibit P; communications with Village Council; Communications with all lawyers in this matter.	3.50	647.50
Total Professional Services				14,541.00

**Rate Summary**

Eve A. Boutsis	78.60 hours at \$	185.00/hr	14,541.00
Total hours:		78.60	

**Expenses**

3/28/2011	Parking Charge	25.00
3/28/2011	Mileage	15.84
3/28/2011	Court reporter services for hearing on March 28, 2011 on Motion to Dismiss and transcription and delivery of transcript.	1,273.00
3/28/2011	Photocopies for research on Palmer Trinity vs. VPB	62.50
3/28/2011	Photocopies for Research on Palmer Trinity	7.50
3/29/2011	Photocopies for Research on Palmer Trinity	62.50
3/30/2011	Photocopies for Research on Palmer Trinity	28.00
3/31/2011	Database Legal research	504.49
4/7/2011	Photocopies	1,947.92
Sub-total Expenses:		3,926.75

**Payments**

4/18/2011	Payment	Check No.: 12690	8,042.78
Sub-total Payments:			8,042.78

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Figueredo Boutsis & Montalvo,

Matter ID: 0293-027 Statement No.: 20238

Page: 4

For Professional Services	14,541.00
For Disbursements Incurred	3,926.75
Current Balance:	<u>18,467.75</u>
Previous Balance:	8,042.78
Payments - Thank you	8,042.78
<b>Total Due</b>	<u>18,467.75</u>

Invoice Number: 20238

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**Expenses**

3/31/2011	Database Legal research	369.85
4/18/2011	Photocopies	125.00
	Sub-total Expenses:	<u>494.85</u>

**Payments**

4/18/2011	Payment	Check No.: 12690	2,849.00
	Sub-total Payments:		<u>2,849.00</u>

For Professional Services	3,108.00
For Disbursements Incurred	494.85
Current Balance:	<u>3,602.85</u>
Previous Balance:	2,849.00
Payments - Thank you	2,849.00
<b>Total Due</b>	<u>3,602.85</u>

Invoice Number: 20239

To be properly credited, please indicate Invoice Number above on your remittance check.