

RESOLUTION NO. 2010-54

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 FBM LAW OFFICES IN THE AMOUNT OF \$23,132.85; 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, FBM LAW OFFICES, submitted its statements to the village for legal services rendered, and costs advanced, for the period ending July 5, 2010, in the amount of \$23,132.85; 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 FBM LAW OFFICES, in the total amount of \$23,132.85, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this 12th day of July, 2010.

Attest:



Meighan Rader
Village Clerk



Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:



Eve A. Boutsis,
FBM LAW OFFICES, as Office
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller YES

Council Member Howard J. Tendrich YES

Council Member Shelley Stanczyk YES

Vice-Mayor Brian W. Pariser YES

Mayor Eugene P. Flinn, Jr. YES

FBM LAW OFFICES

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 235-9344

Miami, Florida 33157-6417

Facsimile: (305) 235-9372

July 7, 2010

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 July 5, 2010, in the amount of \$23,132.85. I have tabulated the amounts *currently due* on each individual file as follows:

Please deduct from Village Attorney Account No. 5143110, General Legal.			
0293-001	Non-Retainer Legal Services <i>Invoice No. 20120 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$ 5,272.50 423.80 5,696.30
	Total		\$ 5,696.30
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.			
0293-002	<i>Zoning Application</i> <i>Invoice No. 20121 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$ 8,991.00 179.82 9,170.82
	Total		\$ 9,170.82
0293-004	<i>Code Enforcement</i> <i>Invoice No. 20122 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$ 92.50 26.92 119.42
0293-027	<i>Palmer Trinity Private School vs. VPB</i> <i>Invoice No. 20123 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$ 3,848.00 264.84 4,112.84

0293-029	Palmer Trinity v, VPB-Appeal <i>Invoice No. 20124 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$	1,850.00 321.47 2,171.47
0293-042	Joseph Hagan, et al. v. VPB <i>Invoice No. 20125 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$	296.00 0.00 296.00
0293-046	<i>Palmer Trinity vs. VPB (2010 Dec Act)</i> <i>Invoice No. 20126 dated 7/5/10</i>	Prof'l Services Disbursements Total Due	\$	1,566.00 0.00 1,566.00
Grand Total			\$	29,947.37

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

**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

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

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

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

July 5, 2010
Matter ID: 0293-001
General Municipal-VPB
Invoice Number 20120

			Hours	Amount
6/1/2010	EAB	Follow up with Mr. Julian Perez on agenda items and analyzed same; communications with Ms. Alexander on charter Amendment ordinance and cover memo; follow up on AIPP contract; telephone conference with Mayor Flinn.	2.00	370.00
6/3/2010	EAB	Drafted Village Attorney update; meeting with Mr. Perez and Mr. Efrain Nunez and follow up on charter school items (3.5); follow up on School Board public record request; coordinated meetings relating to same with MDC, School Board, and Fire; discussion with Ms. Meighan Alexander regarding Miller public record request.	5.00	925.00
6/4/2010	EAB	Telephone conference with Mr. Ed Silva on pending items.	0.30	55.50
6/7/2010	EAB	Telephone conference with CP Shelley Stanczyk; telephone conference with Mr. Ron Williams and Ms. Alexander; attention to agenda; telephone conference with Mr. Perez.	2.50	462.50
6/7/2010	EAB	Attended council meeting.	3.00	555.00
6/8/2010	EAB	Follow up on after action from council meeting; communications with VM Brian Pariser; telephone conference with Ms. Alexander.	0.70	129.50
6/9/2010	EAB	Telephone conference with Building Department regarding Building Survey and compliance; attention to FPL matter.	0.40	74.00
6/10/2010	EAB	Attended FPL meeting	2.00	370.00
6/11/2010	EAB	Communications with Mr. Coker; telephone conference with Mr. Williams and Mr. Silva regarding MB, Portland, etc.	0.40	74.00
6/14/2010	EAB	Search of MDC EPT items (.5); revised 30-50 (.5); telephone conference with Mr. Silva; communications with Mr. Nunez and Ms. Alexander.	1.40	259.00
6/15/2010	EAB	Attended meeting with Mr. Williams and Mr. Deemond Chin with telephone conference with Fla. League of Cities regarding insurance and follow up conferences regarding same (1.0); meeting with Ms. Alexander and Mr. Perez on agenda items (.5); reviewed and revised contract for lawn maintenance (1.3); revised chapter 27	4.50	832.50

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.

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		Ordinance (1.); communications with Building on Durable POA and land issue; analyzed FPL Net Metering Application and Contract for Interconnection and provided staff comments regarding same.		
6/16/2010	EAB	Telephone conference with Mr. Perez to finalize contract for lot maintenance and finalized same; drafted contractor agreement for obelisk.	1.50	277.50
6/16/2010	EAB	Reviewed International Sign & Design contract, insurance, and performance bond; and drafted notice to surety and default (re: sign fading and three year warranty).	1.00	185.00
6/23/2010	EAB	Analyzed and responded to Building issue relating to Trip Scott trust and building permit; coordinated meeting with Mr. Silva, Ms. Fanny Carmona, and staff; telephone conference with Mr. Williams regarding meeting with Ms. Boukris.	1.00	185.00
6/25/2010	EAB	Finalized International Sign Warranty matter; communications with Ms. Corrice Patterson regarding same.	0.20	37.00
6/29/2010	EAB	Attention to bond counsel retainer.	0.40	74.00
6/30/2010	EAB	Attention to building permit/trust for land issue; and attention to MB matter.	0.30	55.50
7/1/2010	EAB	Communications with Mr. Silva and Mr. Coker.	0.40	74.00
7/1/2010	EAB	Meeting with Commander Gregory Truitt and Mr. Williams and Ms. Patterson regarding Red Light Cameras and discussion with Mr. Williams on pending litigation.	1.50	277.50
				5,272.50
Total Professional Services				5,272.50

Rate Summary

Eve A. Boutsis	28.50 hours at \$185.00/hr	5,272.50
	Total hours: 28.50	5,272.50

Disbursements

5/31/2010	Database Legal research	234.22
6/8/2010	Mileage	15.00
6/8/2010	Parking Charge	2.50
6/9/2010	Parking Charge	8.00
6/9/2010	Mileage	15.00
6/15/2010	Parking Charge	8.00
6/15/2010	Mileage	15.84
6/30/2010	Postage Charge	19.79

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7/5/2010	Disbursements incurred - 2.0%	105.45	
Payments and Credits			
6/15/2010	Check No.: 001052	9,809.75	
	Sub-total Payments:	<u>9,809.75</u>	
	For Professional Services		5,272.50
	For Disbursements Incurred		423.80
	Current Balance:		<u>5,696.30</u>
	Previous Balance:		9,809.75
	Payments - Thank you		9,809.75
	Total Due		<u>5,696.30</u>

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

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**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

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Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

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

July 5, 2010
Matter ID: 0293-002
Zoning Applications
Invoice Number 20121

			Hours	Amount
6/2/2010	EAB	Meeting with Mr. Julian Perez and Ms. Liz Hernandez (Coral Gables representatives) relating to charter schools.	1.50	277.50
6/2/2010	EAB	Began analysis of charter school issues from meeting with Gables representatives; continued communications with Ms. Hernandez; drafted public record request; analyzed case law, AGOs, and Florida Statutes relating to same.	4.00	740.00
6/8/2010	EAB	Attended meeting with MDC School Board and Mr. Perez regarding charter schools.	2.50	462.50
6/9/2010	EAB	Attended meeting with MDC P&Z and Mr. Perez.	3.00	555.00
6/9/2010	EAB	Completed legal research; drafted memorandum relating to charter schools; follow up with County representatives relating to same; analyzed charter application and deadlines.	3.00	555.00
6/10/2010	EAB	Telephone conference with CP Howard Tendrich, and meeting with Mr. Williams, Ms. Alexander, Mr. Perez and Mr. Nunez regarding sheds and 30-50; meeting with same regarding charter schools; meeting with Mr. Perez regarding same; provided direction to PW regarding application of Chapter 725, F.S; communications with MDC and Mr. Silver regarding Fire Station; and attention to CAM matter.	3.00	555.00
6/14/2010	EAB	Attended meeting with Mr. Perez, Mr. Nunez, and Ms. Patterson regarding Fire Station, CI/CP changes, and pending items; meeting with Mr. Perez and attention to charter school matter, zoning item for former Town Old Cutler - plat and zoning related item.	3.50	647.50
6/15/2010	EAB	Meeting at MD County with Mr. Perez and P&Z.	2.50	462.50
6/16/2010	EAB	Communication with Attorney Amy Bouiris regarding Charter School.	0.20	37.00
6/17/2010	EAB	Communication with Ms. Bouiris; attention to charter school memorandum; communications with Mr. Perez.	0.40	74.00
6/18/2010	EAB	Telephone conference and communication with Mr. Williams, Mr.	0.70	129.50

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Perez, Mr. Scott Silver regarding fire station; and communication with Mr. Boulris regarding scheduling meeting with Charter School.

6/21/2010	EAB	Meeting with Mr. Silver, Mr. Williams, Ms. Patterson and Mr. Perez regarding fire station.	1.40	259.00
6/21/2010	EAB	Communications with Ms. Boulris regarding charter school.	0.60	111.00
6/22/2010	EAB	Attended Miami-Dade County Charter School Contract Board meeting - review of Academic/Somerset contracts.	4.00	740.00
6/23/2010	EAB	Telephone conference with Ms. Joni Coffee regarding charter schools; meeting with Ms. Boulris and OCPC pastor with Mr. Williams regarding same.	2.50	462.50
6/24/2010	EAB	Legal research relating to preemption (1.0); follow up with Mr. Perez and Mr. Williams relating to C.O.(.2); telephone conference with Mr. Perez on pending matters (.6); telephone conference with Ms. Tiffany Pauline of MDC School Board; edited memorandum relating to preemption.	2.30	425.50
6/24/2010	EAB	Communications with Mr. Williams and Mr. Silver re: fire station.	0.20	37.00
6/24/2010	EAB	Telephone conference with CP Stanczyk on pending item.	1.00	185.00
6/24/2010	EAB	Telephone conference with Ms. Hernandez; telephone conference with Mr. Perez and Mr. Williams, drafted rejection of c.o. letter; communications with Ms. Boulris regarding same; continued drafting memorandum and research relating to same.	1.40	259.00
6/25/2010	EAB	Telephone conference with VM Pariser (1.); Telephone conference with CP Stanczyk (.4); telephone conference with CP Tendrich (.4); telephone conference with CP Dr. Ed Feller (.2); telephone conference with Mr. Chin and Mr. Williams; continued research relating to home rule and police powers.	3.00	555.00
6/28/2010	EAB	Telephone conference with CP Stanczyk; telephone conference with CP Tendrich on public hearing item.	0.40	74.00
6/29/2010	EAB	Telephone conference with Mr. Perez relating to Charter School C.O.	0.30	55.50
6/30/2010	EAB	Telephone conference with Ms. Boulris; attention to Coral Gables litigation - preliminary injunction with Somerset; communications with Council regarding same; telephone conference with CP Stanczyk.	1.30	240.50
7/1/2010	EAB	Telephone conference with Mr. Perez and Mr. Nunez; telephone conference with VM Pariser.	0.40	74.00
7/1/2010	EAB	Attention to Zieman matter with Mr. Perez, Mr. Nunez; meeting with Mr. Williams, planning and building staff.	1.50	277.50
7/5/2010	EAB	Attended meeting with Mr. Perez at Fire Department; telephone conference with VP Stanczyk and reviewed Charter Contract.	4.00	740.00

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Total Professional Services	8,991.00
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Rate Summary

Eve A. Boutsis	48.60 hours at \$185.00/hr	8,991.00
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Total hours:	48.60	8,991.00
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7/5/2010	Disbursements incurred - 2.0%	179.82
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Payments and Credits

6/15/2010	Check No.: 001052	2,245.53
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Sub-total Payments:	2,245.53
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For Professional Services	8,991.00
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For Disbursements Incurred	179.82
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Current Balance:	9,170.82
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Previous Balance:	2,245.53
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Payments - Thank you	2,245.53
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Total Due	9,170.82
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To be properly credited, please indicate Invoice Number on your remittance check.

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**FBM LAW OFFICES
ATTORNEYS & COUNSELORS**

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

Telephone No.: (305) 235-9344

Facsimile: (305) 235-9372

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

July 5, 2010
Matter ID: 0293-004
Code Enforcement
Invoice Number 20122

			Hours	Amount
6/24/2010	EAB	Telephone conference with Ms. Costa; telephone conference with Ms. Vanessa Bencomo; attention to Bolger matter and provided update to manager.	0.30	55.50
6/25/2010	EAB	Telephone conference with Ms. Bencomo and attention to Dorsey matter.	0.20	37.00
			Total Professional Services	92.50

Rate Summary

Eve A. Boutsis	0.50 hours at \$185.00/hr	92.50
Total hours:		0.50
		92.50

Disbursements

5/31/2010	Database Legal research	25.07
7/5/2010	Disbursements incurred - 2.0%	1.85

Payments and Credits

5/12/2010	Check No.: 10863	94.35
Sub-total Payments:		94.35

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	92.50
For Disbursements Incurred	26.92
Current Balance:	<u>119.42</u>
Previous Balance:	94.35
Payments - Thank you	94.35
Total Due	<u>119.42</u>

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

July 5, 2010
Matter ID: 0293-027
Palmer Trinity Private School,
Invoice Number 20123

			Hours	Amount
6/14/2010	EAB	Telephone conference with Mayor Eugene Flinn; attention to discovery.	0.40	74.00
6/15/2010	EAB	Communications with Mr. Stanley Price, Mr. Ron Williams and Mr. Julian Perez.	0.50	92.50
6/22/2010	EAB	Attention to scheduling of depositions.	0.40	74.00
6/23/2010	EAB	Conducted legal research at U of M law library and Lexis research relating to summary judgment and relating to new action.	3.00	555.00
6/24/2010	EAB	Telephone conference with Mr. David Koller.	0.40	74.00
6/24/2010	EAB	Telephone conference with Mr. Jeff Hochman; analysis of 1983 action; communications with council regarding same; communications with VM Brian Pariser; telephone conference with CP Howard Tendrich; and telephone conference with Mr. Williams.	1.40	259.00
6/28/2010	EAB	Communications with Mr. Joe Corradino, Mr. Rafael De Arazoza, and Mr. Mitchell Widem.	0.30	55.50
6/28/2010	EAB	Drafting of motion for summary judgment and legal research relating to same.	2.50	462.50
6/29/2010	EAB	Legal research relating to "remedy at law", collateral estoppel, and splitting causes of action and revising motion for summary judgment/motion to strike.	4.60	851.00
6/29/2010	EAB	Follow up on discovery, depositions, communication with Ms. Mehta.	0.30	55.50
6/30/2010	EAB	Continued to draft and edit summary judgment motion, motion for protective order and motion for leave to amend affirmative defenses; amended answer and affirmative defenses.	5.00	925.00
7/1/2010	EAB	Completed legal research relating to affirmative defenses and finalized pleadings for filing.	2.00	370.00

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Total Professional Services	3,848.00
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Rate Summary

Eve A. Boutsis	20.80 hours at \$185.00/hr	3,848.00
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Total hours:	20.80	3,848.00
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Disbursements

5/31/2010	Database Legal research	187.88
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7/5/2010	Disbursements incurred - 2.0%	76.96
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Payments and Credits

3/10/2010	Check No.: 10549	5,554.62
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Sub-total Payments:	5,554.62
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For Professional Services	3,848.00
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For Disbursements Incurred	264.84
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Current Balance:	4,112.84
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Previous Balance:	5,554.62
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Payments - Thank you	5,554.62
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Total Due	4,112.84
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To be properly credited, please indicate invoice number on your remittance check.

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

July 5, 2010
Matter ID: 0293-029
Palmer Trinity v. VPB - Appeal
Invoice Number 20124

			Hours	Amount
6/1/2010	EAB	Attention to motion to tax costs.	0.40	74.00
6/1/2010	EAB	Telephone conference with CP Shelley Stanczyk on pending items.	0.30	55.50
6/2/2010	EAB	Telephone conference with Mayor Eugene Flinn and Mr. Ron Williams; telephone conference with Vid Brian Pariser and Mr. Williams relating to proposed settlement discussions.	1.00	185.00
6/10/2010	EAB	Telephone conference with Ms. Mehta.	0.30	55.50
6/11/2010	EAB	Telephone conference with Mr. Mitchell Widom and Mr. Stanley Price; telephone conference with Mayor Flinn, Mr. Williams and communications with Mr. Pariser.	0.60	111.00
6/18/2010	EAB	Telephone conference with Palmer Trinity representative regarding community relations group; and communication with Mr. Stanley Price regarding same; communication with Mr. Perez and Mr. Williams regarding same; and attention to Subpoenas and service of process regarding Amended original action and new petition for Writ of Certiorari.	0.50	92.50
6/18/2010	EAB	Attention to new appeal and original action.	2.50	462.50
6/21/2010	EAB	Telephone conference with Mr. Tucker Gibbs; communications with Council regarding intervenor motion; communications with Ms. Eileen Mehta, Mr. Price, and Mr. Widom.	1.40	259.00
6/26/2010	EAB	Analyzed record on appeal.	3.00	555.00
			Total Professional Services	1,850.00

Rate Summary

Eve A. Boufsis	10.00 hours at \$185.00/hr	1,850.00
Total hours:	10.00	1,850.00

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Disbursements

5/31/2010	Database Legal research	284.47
7/5/2010	Disbursements incurred - 2.0%	37.00

Payments and Credits

6/15/2010	Check No.: 001052	17,115.09
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Sub-total Payments:	17,115.09
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For Professional Services	1,850.00
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For Disbursements Incurred	321.47
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Current Balance:	2,171.47
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Previous Balance:	17,115.09
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Payments - Thank you	17,115.09
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Total Due	2,171.47
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To be properly credited, please indicate invoice number on your remittance check.

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Attorneys & Counselors

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Telephone: (305) 235-9344

Facsimile: (305) 235-9372

Ron E. Williams
8950 SW 152 Street
Palmetto Bay, Florida 33157

July 5, 2010
Matter ID: 0293-042
Joseph Hagan, et al. v. VPB

Invoice Number 20125

			Hours	Amount
6/22/2010	EAB	Attention to TRO hearing.	0.40	74.00
6/23/2010	EAB	Telephone conference with Mr. Ron Williams; telephone conference with Mr. David; coordinated TRO dates; communications with Ms. Corrice Patterson on County process.	0.70	129.50
6/24/2010	EAB	Communication with Mr. Hagan.	0.20	37.00
6/30/2010	EAB	Attention to Hagan matter.	0.30	55.50
				<hr/>
			Total Professional Services	296.00

Rate Summary

Eve A. Boutsis 1.00 hours at \$ 185.00/hr 296.00

Total hours: 1.00

Payments

6/15/2010 Payment Check No.: 001052 777.00

Sub-total Payments: 777.00

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For Professional Services	296.00
For Disbursements Incurred	0.00
Current Balance:	<hr/> 296.00
Previous Balance:	777.00
Payments - Thank you	777.00
Total Due	<hr/> 296.00

Invoice Number: 20125

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Attorneys & Counselors

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Facsimile: (305) 235-9372

Ron E. Williams
8950 SW 152 Street
Palmetto Bay, Florida 33157

July 5, 2010
Matter ID: 0293-046
Palmer Trinity vs. VPB (2010)

Invoice Number 20126

			Hours	Amount
6/22/2010	EAB	Reviewed new Complaint for Declaratory Relief and conducted legal research on cited cases.	2.50	450.00
6/25/2010	EAB	Attention to declaratory action; communications with council; communication with M.L. counsel.	0.40	72.00
6/25/2010	EAB	Completed legal research at Law Library.	3.50	630.00
6/28/2010	EAB	Telephone conference with Mr. Hochman and attention to the litigation.	1.00	180.00
6/30/2010	EAB	Conducted legal research	1.00	180.00
6/30/2010	EAB	Communications with Ms. Eileen Mehta and Council.	0.30	54.00
				<hr/>
			Total Professional Services	1,566.00

Rate Summary

Eve A. Boutsis 8.70 hours at \$ 180.00/hr 1,566.00

Total hours: 8.70

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For Professional Services	1,566.00
For Disbursements Incurred	0.00
Current Balance:	<hr/> 1,566.00
Previous Balance:	0.00
Payments - Thank you	0.00
Total Due	<hr/> 1,566.00

Invoice Number: 20126

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

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.