

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

21 W. ROMANA, LLC., a Florida  
limited liability company,

Plaintiff,

vs.

CASE NO. 2021 CA 001247

RED FEATHER DEVELOPERS, LLC,  
a Florida limited liability partnership, and  
DRUG FREE WORKPLACES, INC.,  
a Florida corporation,

Defendants.

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**ANSWER OF DEFENDANT, RED FEATHER DEVELOPERS, LLC,<sup>1</sup>  
TO PLAINTIFF'S COMPLAINT FOR DECLARATORY RELIEF**

COMES NOW, Defendant, RED FEATHER DEVELOPERS, LLC ("RED FEATHER"),<sup>1</sup> by and through its undersigned counsel, and answers Plaintiff's Complaint for Declaratory Relief as follows<sup>2</sup>:

1. Admitted this is a declaratory judgment action and that RED FEATHER owns a portion of the property depicted in Exhibit "A".

2. Without knowledge.

3. Admitted that RED FEATHER is a Florida limited liability company.

4. Admitted.

5. Without knowledge. Denied that the property described is a "benefitted property."

6. Without knowledge. Denied that the property described is a "benefitted property."

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<sup>1</sup> RED FEATHER has been substituted as a party Defendant in place of Studer Properties, LLP by Order entered July 20, 2021.

<sup>2</sup> Allegations not expressly addressed are denied.

7. Denied.

8. Admitted that RED FEATHER is the record owner and that it acquired title from Studer Properties. Otherwise, without knowledge.

9. Without knowledge.

10. Without knowledge.

11. Admitted that DFW is the owner of 25 W. Romana Street. Denied that the Plaintiff's property is a "benefitted property."

12. Admitted that Exhibit "A" appears to depict the properties referenced. All other inferences or allegations in this paragraph are denied.

13. Denied that there is any easement. Admitted that Plaintiff has, from time to time, used RED FEATHER'S property in a manner that is not inconsistent with RED FEATHER'S use. Thus, Plaintiff's use is deemed to be permissive and not adverse.

14. Denied.

15. a. Admitted that Plaintiff has traversed across RED FEATHER'S property from time to time; however, that use was not inconsistent with RED FEATHER'S use, and thus was permissive and not adverse.

b. See response to 15(a) above.

c. Denied.

16. Admitted that RED FEATHER intends to develop its property in a manner permitted by law. Admitted that Exhibit "D" reflects a submission made to the City's architectural review board. Otherwise, Denied.

17. Denied.

18. Denied

19. Denied that any prescriptive easement exists.

20. Denied.

21. Denied.

22. Admitted that this lawsuit, through slandering RED FEATHER'S title, has created a need for a declaratory judgment. All other allegations or inferences in this paragraph are denied.

23. Denied that Plaintiff has met the pre-requisite requirements of establishment of a prescriptive easement including, *without limitation*, continuous use, adverse use, and inconsistent use.

WHEREFORE, RED FEATHER demands a judgment of dismissal along with the award of its costs incurred in this action, and for any other relief the Court may deem proper.

/s/R. Todd Harris  
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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with this Clerk of Court on this 20<sup>th</sup> day of July, 2021 using the Florida E-Portal system which will send notification of such filing to the following:

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