

**IN THE EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA  
IN AND FOR SEMINOLE COUNTY  
SANFORD, FLORIDA**

00-CA-1491-16-G

Charles Dewey Tobias, Jr.  
Plaintiff,

vs.

Van E. O'Neal  
Respondent/Lienor.

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**MOTION FOR "ORDER OF CANCELLATION" OF LIENS**

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I, Charles Dewey Tobias, Jr., Plaintiff herein, move for an "Order of Cancellation" of the alleged "liens" as defined in this action and in support thereof, the Plaintiff lists the following causes:

1. That the Plaintiff filed the Complaint in this action on or about the 4th day of August, of the year 2000, and service on Respondent was completed on the 7th day of August, in the year 2000, and the return of service was made timely to the Clerk of this court, which required the Respondent to satisfy the provisions of law at Florida Statutes 713.21(4), namely for the claimant "to show cause within 20 days why his or her lien should not be enforced by action or vacated and canceled of record."

2. That Florida Statutes 713.21(4) further provides that "Upon failure of the lienor to show cause why his or her lien should not be enforced or the lienor's failure to commence such action before the return date of the summons the court shall forthwith order cancellation of the lien."

3. That the Respondent, Van E. O'Neal, has failed to “show cause” or “commence such action” within the time allowed by law at Florida Statutes 713.21(4).

4. That sufficient cause is now in evidence on the record and before this court, as provided herein and in the Plaintiff’s “Affidavit of Default” attested by the Plaintiff, for the said “liens” to be canceled forthwith as a matter of law in that the Respondents have failed to “show cause” why said liens should not be canceled.

Wherefore, the Petitioner hereby moves for the court to issue the “Order or Cancellation” of said liens forthwith as a matter of law.

Charles Dewey Tobias, Jr.  
C/o 1745 Markham Woods Road  
Longwood, Florida PZ 32779  
Non-Domestic