1IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT IN AND FOR MONROE COUNTY, FLORIDA

RICHARD L. PESCE and DEBORAH PESCE,
Plaintiffs,

vs.

KOENIG WADE MORGAN,
Defendant,

CASE NO.: 2022-CA-304-K

JUDGE TIMOTHY J.

ORDER DISMISSING PLAINTIFFS' AMENDED COMPLAINT WITH PREJUDICE

THIS CAUSE came before this Court on December 21, 2022, upon Defendant's Amended Motion to Dismiss Plaintiffs' Amended Complaint With Prejudice, and the Court, having reviewed the record, having heard argument of counsel, and being fully advised in the premises, it is

ORDERED and **ADJUDGED** as follows:

1. Defendant's Amended Motion to Dismiss Plaintiffs' Amended Complaint With Prejudice is hereby **GRANTED**, and the Complaint, based upon adverse possession under color of title, is hereby **DISMISSED WITH PREJUDICE**.

2. The Plaintiffs have not provided a written instrument recorded in the official records of Monroe County supporting their claim for adverse possession under color of title as required by Section 95.16 of the Florida Statutes and *Seton v. Swann*, 650 So.2d 35 (Fla. 1995).

3. No leave to amend is granted, as any attempt to amend the Complaint would be futile without such recorded instrument.

4. The Clerk is directed to close the case.

DONE AND ORDERED in Key West, Monroe County, Florida this

Thursday, December 22, 2022.

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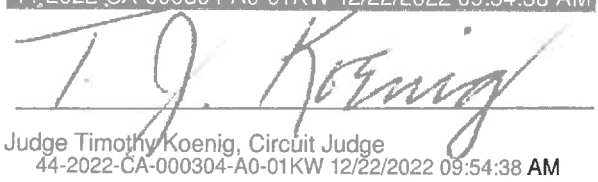

Judge Timothy Koenig, Circuit Judge
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