

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR WASHINGTON COUNTY, FLORIDA

IN RE: FORFEITURE OF:

CASE NO. 2025-CA-30

REAL PROPERTY LOCATED AT
616 MAIN STREET, CHIPLEY, FLORIDA 32428
PARCEL NUMBER: 00000000-00-2741-0000

**ORDER GRANTING PETITIONER'S MOTION FOR SUMMARY FINAL JUDGMENT
OF FORFEITURE**

THIS CAUSE came before the Court on Petitioner CITY OF CHIPLEY POLICE DEPARTMENT's ("CPD") Motion for Summary Final Judgment of Forfeiture ("Motion"), filed February 10, 2026, pursuant to Chapter 932, Florida Statutes, and Florida Rule of Civil Procedure 1.510. The Court, having reviewed the Motion and all supporting materials, having considered the record in this matter, and being otherwise duly advised in the premises, makes the following findings:

1. The known potential Claimants, JAYSON ROBERT MCCOY, WALTER MCCOY, and HEATHER NICOLE FLEMING, were properly served with a copy of the Petition for Final Order of Forfeiture, Verified Affidavit, Notice of Lis Pendens, and Order Finding Probable Cause in these proceedings. Each was also properly served with Notice of the right to an Adversarial Preliminary Hearing pursuant to the Florida Contraband Forfeiture Act.

2. Publication, as required by section 932.704, Florida Statutes, has been completed, as evidenced by the Affidavit of Publication filed in these proceedings, thereby providing notice to all unknown potential claimants.

3. Claimants/Respondents JAYSON ROBERT MCCOY, WALTER MCCOY, and HEATHER NICOLE FLEMING did not file a response or any opposition to the Motion for Summary Final Judgment. Additionally, none of the Claimants/Respondents appeared at the hearing on the Motion. The Court finds that Claimants/Respondents were properly notified of the hearing and that their failure to respond or appear is not excused.

4. The real property located at 616 Main Street, Chipley, Florida 32428, Parcel No. 00000000-00-2741-0000, more particularly described as:



The E 1/2 of the N 1/2 of Lot 14, Block B, Hagerman Addition to the City of Chipley, Florida, in Section 33, Township 5 North, Range 13 West, as per plat as recorded in the Office of the Clerk of the Circuit Court of Washington County, Florida

("Property"), was seized by the Chipley Police Department on or about April 17, 2025, in Washington County, Florida, and is presently in the custody of CPD.

5. As established by the Sworn Statement/Affidavit of Captain Curtis Porter dated March 5, 2025 ("Sworn Affidavit"), which was attached to the Petition for Final Order of Forfeiture and incorporated into CPD's Motion for Summary Judgment, the Property was used as an instrumentality in the commission of a felony, or aided and abetted in the commission of a felony, including but not limited to the possession and sale of illegal narcotics, and was maintained as a public nuisance structure for drug activity, in violation of the Florida Contraband Forfeiture Act. CPD responded to fourteen (14) calls for service related to criminal activity at the Property, and multiple individuals were arrested at the Property in February 2025.

6. On July 8, 2025, in *State of Florida v. Jayson McCoy*, Case Nos.: 25-70-CF and 25-186-CF, in the Circuit Court in and for Washington County, Florida, Claimant Jayson Robert McCoy entered a Plea, Waiver and Consent and pled no contest to: (a) possession of a controlled substance pursuant to section 893.13(6)(a), Florida Statutes; (b) possession of marijuana less than 20 grams pursuant to section 893.13(6)(b), Florida Statutes; and (c) possession of paraphernalia pursuant to section 893.147(1)(b), Florida Statutes.

7. The Property constitutes a "contraband article" as defined by section 932.701(2)(a)(6), Florida Statutes, in that it is real property which was used, is being used, or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, a felony.

8. Pursuant to Florida Rule of Civil Procedure 1.510, as amended effective May 1, 2021, the summary judgment standard in Florida is construed and applied in accordance with the federal summary judgment standard as interpreted under *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986); and *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986); *In re Amendments to Fla. Rule of Civ. Procedure 1.510*, 317 So. 3d 72 (Fla. 2021). Under the amended rule, the moving party demonstrates the absence of a genuine dispute as to any material fact, and the burden then shifts to the nonmoving party to come forward with "specific facts showing that there is a genuine issue for trial." The

correct test is whether "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." In re Amendments to Fla. R. Civ. P. 1.510, 317 So. 3d at 75 (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). Under the amended rule, a nonmovant who fails to file a response is deemed to have failed to "take a definite, detailed position," and the Court is permitted to consider the moving party's facts as undisputed for purposes of the motion. *Lloyd S. Meisels, P.A. v. Dobrofsky*, 341 So. 3d 1131, 1135-36 (Fla. 4th DCA 2022).

9. The Court further finds that the amended rule does not permit summary judgment based solely on the failure to respond; rather, summary judgment is appropriate where the motion and supporting materials, including facts considered undisputed, independently establish the movant's entitlement to judgment. *Fuentes v. Luxury Outdoor Design, Inc.*, 361 So. 3d 385, 386 (Fla. 4th DCA 2023). The Court finds that Petitioner CPD has independently demonstrated the absence of any genuine issue of material fact through the Sworn Affidavit of Captain Porter, the record of criminal activity at the Property, and Claimant Jayson Robert McCoy's no contest plea in the related criminal proceedings. Claimants/Respondents have failed to come forward with specific facts showing that there is a genuine issue for trial. Accordingly, CPD is entitled to judgment as a matter of law. *See Beary v. Gay*, 732 So. 2d 478, 479 (Fla. 5th DCA 1999) ("[t]he Florida Contraband Forfeiture Act provides that private property is subject to government forfeiture when the state proves that the property is contraband"); 932.701-932.707, Fla. Stat.

ACCORDINGLY, it is hereby ORDERED and ADJUDGED as follows:

1. Petitioner's Motion for Summary Final Judgment of Forfeiture is **GRANTED**.
2. The real property located at 616 Main Street, Chipley, Florida 32428, Parcel No. 00000000-00-2741-0000, and all appurtenances thereto, is hereby FORFEITED to the CITY OF CHIPLEY POLICE DEPARTMENT pursuant to sections 932.701-932.707, Florida Statutes.
3. The right, title, and interest in and to the Property is hereby perfected in favor of the CITY OF CHIPLEY POLICE DEPARTMENT, free and clear of any claim by JAYSON ROBERT MCCOY, WALTER MCCOY, HEATHER NICOLE FLEMING, and all other persons and entities, for the use and benefit of the CITY OF CHIPLEY POLICE DEPARTMENT.
4. The Clerk of the Court is directed to record a certified copy of this Order in the Public Records of Washington County, Florida.

5. This Order constitutes a Final Judgment. The Clerk of the Court is directed to enter this Order as a Final Judgment and to close this case.

DONE AND ORDERED this Tuesday, May 19, 2026, in Chipley, Washington County, Florida.

67-2025-CA-000030-CAAM 05/19/2026 12:30:34 PM



Christopher N. Patterson, Judge
67-2025-CA-000030-CAAM 05/19/2026 12:30:34 PM

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