



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

DOCKETED

Jm/c 8-10-2010

LEGAL

IN THE MATTER OF:

Claim for unclaimed property filed by
Steven A. Mason, Esq., as Trustee of the Irving
A. and Bess Mason Joint Living Trust

CASE NO.: 11047310-CI

2010 OCT 25 P. 1:41
DIVISION OF
ADMINISTRATIVE
HEARINGS

FILED

FINAL ORDER

On June 25, 2010, an Amended Notice of Intent to approve the above-referenced claim for unclaimed property filed by Steven A. Mason, Esq., as Trustee of the Irving A. and Bess Mason Joint Living Trust was issued by the Department of Financial Services. In order to take final agency action concerning the claim, the Chief Financial Officer has considered the record in this matter, and being fully advised in the premises, makes the following:

FINDINGS OF FACT

1. On November 6, 2009, the Department of Financial Services ("Department") received a claim for certain unclaimed property filed by Bess Mason and Steven A. Mason, Esq., as Trustees of the Irving A. and Bess Mason Joint Living Trust. On or about June 21, 2010, Bess Mason resigned as Trustee of the Irving A. and Bess Mason Joint Living Trust.
2. On June 25, 2010, an Amended Notice of Intent to approve the claim for unclaimed property filed by Steven A. Mason, Esq., as Trustee of the Irving A. and Bess Mason Joint Living Trust was issued on the basis that the date of last contact is August 1, 1977, and

Claimant has provided a copy of a document that places Irving A. Mason at the address of 500 Bayview Dr., North Miami Beach, FL, on March 14, 1977.

3. In accordance with Section 120.569(1), Florida Statutes, the Amended Notice of Intent was served upon Barbara T. Mason on July 10, 2010, by certified mail, which was refused.

4. Barbara T. Mason was notified in the Amended Notice of Intent that failure to respond within twenty-one days would result in an order approving the claim for unclaimed property being entered in this case.

5. Barbara T. Mason failed to answer the Amended Notice of Intent or request a hearing in accordance with Sections 120.569 and 120.57(1), Florida Statutes, or Section 120.57(2), Florida Statutes.

6. The factual allegations contained in the Amended Notice of Intent filed on June 25, 2010, attached hereto as Exhibit One and fully incorporated herein by reference, are hereby adopted as findings of fact in this case.

CONCLUSIONS OF LAW

7. Barbara T. Mason may not evade service by refusing or rejecting certified mail. See Smith v. Leaman, 826 So.2d 1077, 1078 (Fla. 2d DCA 2002). Therefore, the legal conclusions in the Amended Notice of Intent are hereby adopted as this Department's conclusions of law. The claim filed by Steven A. Mason, Esq., as Trustee of the Irving A. and Bess Mason Joint Living Trust has met the burden codified in Section 717.126, Florida Statutes, with respect to the unclaimed property.

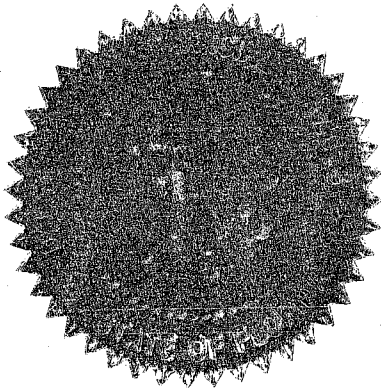
DISPOSITION OF CLAIM

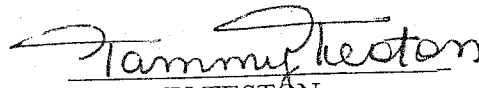
IT IS THEREFORE ORDERED that the claim filed by Steven A. Mason, Esq., as Trustee of the Irving A. and Bess Mason Joint Living Trust is hereby APPROVED.

NOTICE OF RIGHT TO APPEAL

Any person adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Fla.R.App.P. 9.110. Review proceedings must be instituted by filing a notice of appeal with Julie Jones, CP, FRP, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0390, and a copy of the same accompanied by the required filing fee with the appropriate District Court of Appeal within thirty (30) days of rendition of this Order.

DONE and ORDERED this 10th day of August, 2010.




TAMMY TESTON
Chief of Staff

COPIES FURNISHED TO:

WALTER T. GRAHAM, CHIEF
Bureau of Unclaimed Property
200 East Gaines Street
Tallahassee, Florida 32399-0358

CERTIFICATE OF SERVICE

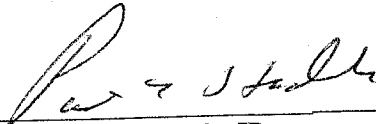
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

U. S. Mail on this 10th day of August, 2010, to:

Steven A. Mason, Esq.
3363 Sheridan Street
Suite 201, Hollywood, FL 33021

Barbara T. Mason
6497 Hamlet Dr., Unit B
Englewood, FL 34224-7529

Barbara T. Mason
6497 Hamlet Dr., Unit 31
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