

IN THE CIRCUIT COURT IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

IN RE: THE ESTATE OF: )  
MURRAY B. COHEN, )  
Deceased. )

CASE NO. 2003-CP-1071-NC


MOTION TO INSPECT REALTY

STEVEN ESDALE, through counsel, and pursuant to the applicable rule of Probate Procedure, moves to allow an inspection of the interior and exterior of the house and lot on Commonwealth Drive, in Sarasota, Florida. In support hereof, movant says that:

- 1.) The Court determined, as a matter of law, on 10/6/09, that movant and his brother, KENNETH ESDALE have a vested remainder interest in the realty.
- 2.) In May, 2007, the Personal Representative carelessly or intentionally allowed or caused a fire to occur on the premises, which damaged the roof and the interior of the house. To date, despite a previous Court order, the premises remain damaged and the value of movant's remainder interest has been negatively affected.
- 3.) Movant is entitled to inspect the premises. The Personal Representative has previously denied a request by movant, through counsel, to inspect the premises.
- 4.) The Personal Representative does not reside on the premises.

WHEREFORE, movant requests this Honorable Court enter its order allowing STEVEN ESDALE or his designate to enter upon the premises to inspect the interior and exterior of same.

I HEREBY CERTIFY that a true copy hereof has been furnished by HAND to ALLAN F. BAILY, ESQUIRE, this 9th of October, 2009.

  
MARK W. LORD  
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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA

IN RE: ESTATE OF:

MURRAY B. COHEN,

CASE NO. 2003 CP 1071 NC

Deceased.


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**ORDER DENYING MOTION TO INSPECT REALTY**

This cause came before the court on Steven Esdale's Motion to Inspect Realty, and the court being otherwise advised in the premises, it is therefore

**ORDERED** that the Motion to Inspect Realty is denied.

**DONE AND ORDERED** in Sarasota County, Florida, on this 13 day of October, 2009.

*for*   
**THOMAS M. GALLEN**  
Senior Circuit Judge

Copies furnished to:

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*RECEIVED 10/15/09*