

**IN THE FIRST JUDICIAL CIRCUIT COURT IN AND FOR
ESCAMBIA COUNTY, FLORIDA**

**B&C COMMUNICATIONS, LLC,
a New York Limited Liability Company,**

Plaintiff,

v.

CASE NO.: 2013 CA 000527

**FRANKLIN MEDIA, INC., a Florida
Corporation, JOHN L. FRANKLIN, SR.,
Individually, and FRANKLIN & HOYNACKI
COMMUNICATIONS, a Florida Corporation,**

Defendants.

FINAL JUDGMENT

THIS CAUSE came before the Court on this 23rd day of March, 2015, upon final hearing on the Complaint filed by B&C Communications, LLC ("Plaintiff"). Defendants, Franklin Media, Inc., John L. Franklin, Sr. and Franklin & Hoynacki Communications, have been properly served and received notice of this trial. This Court being fully advised and having considered the arguments, pleadings, applicable law and evidence before the Court finds that Plaintiff has sustained the allegations of the Complaint against the Defendants; and Plaintiff is entitled to the relief prayed for, and that the Court has jurisdiction to grant same. It is, therefore,
ORDERED AND ADJUDGED as follows:

1. This Court has jurisdiction of the parties in this cause and the subject matter hereof and has jurisdiction to render this judgment; further, that the allegations contained herein have been

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CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL
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CIRCUIT CIVIL DIVISION
FILED & RECORDED

proved by competent evidence, and there are no material issues of fact or law and this Final Judgment is in satisfaction of all counts in the Complaint.

2. The Defendants Franklin Media, Inc. and John L. Franklin, Sr. are in default of the terms of the promissory note described in the Complaint for failure to make payments due there under. Further, that the equities of this cause are with the Plaintiff and against the Defendants.

3. The Court finds that Plaintiff is due an award of its attorney's fees for the prosecution of this action. The Court finds that \$285.00 per hour, \$200.00 per hour, \$195.00 per hour and \$140.00 per hour is an appropriate and reasonable hourly rate to be charged by Plaintiff's attorneys in this action and that paralegal time at \$75.00 per hour, \$70.00 per hour, and \$65.00 per hour is an appropriate and reasonable hourly rate by the paralegals in connection with this action, and that no enhancement or reduction of the fee is appropriate. Accordingly, attorneys' fees in the amount indicated below are awarded to Plaintiff.

AS TO COUNT 1 (Breach of Agreement and Promissory Note):

4. That Plaintiff recover from Franklin Media, Inc. and John L. Franklin, Sr., jointly and severally, the following amounts due under the Fourth Amended Settlement Agreement and promissory note (as defined in the Complaint) sued upon:

Principal:	\$ 1,444,905
Interest thru 3/22/15	\$ 91,518.82
Legal Fees per Section 2	
of Fourth Settlement Agreement:	\$ —
Cost of Receiver	\$ 14,125.00
Attorneys Fees and Costs	\$ 26,872.50

JUDGMENT TOTAL:

\$ 1,577,421.62

which shall accrue interest at the rate of 4.75% per year pursuant to §55.03, Florida Statutes, from the date of this judgment until paid.

AS TO COUNT II (Replevin of personal property under Security Agreement):

5. That Plaintiff has the right against the Defendants to possession of the personal property described in **Exhibits A and B**.

6. That the security interests held by B&C Communications, LLC are hereby foreclosed.

7. Pursuant to the Final Summary Judgment as to Count IV entered by this Court, the findings and conclusions of which are incorporated herein, Franklin Media, Inc. is the legal owner of the WPAN broadcast license (Facility ID 31570), subject to the rights of the Plaintiff as the priority lienholder thereon.

8. The Court appointed Receiver, Jeffrey Timmons, Esq. is directed to file any and all applications with the FCC to transfer the WPAN license to B&C Communications, LLC.

9. The Court appointed Receiver, Jeffrey Timmons, Esq. is directed to secure and deliver to B&C Communications, LLC, via bill of sale, assignment or other document to effect transfer, the assets of the Defendants, described in **Exh. A**, attached hereto.


10. The Court appointed Receiver, Jeffrey Timmons, Esq. is directed to secure and deliver to B&C Communications, LLC, via bill of sale, assignment, or other document to effect transfer, the tangible assets described in **Exh. B**, attached hereto, which are subject to the priority lien of the Plaintiff by virtue of the security agreement.

11. Plaintiff shall take possession of all items awarded in this Order free and clear of all lien rights except those stated in those certain UCC statements dated February 26, 2009 and September 26, 2009, relating to any priority of lien asserted by Charter Bank.

12. The Clerk of the Court shall issue a writ of possession for the above described property.

FOR ALL OF WHICH LET EXECUTION ISSUE.

DONE AND ORDERED in Escambia County, Florida this 23^d day of March, 2015.



Ross M. Goodman
Circuit Court Judge

Conformed copies to:

Robert O. Beasley, Esq., 226 East Government Street, Pensacola, FL 32502
John L. Franklin, Sr., 7841 Mellow Days Drive, Pensacola, FL 32506

e-served
3/25/15

EXHIBIT A

Assets of the Companies (from the Initial Report of the Receiver dated February 5, 2015):

- (i) the tangible personal property listed in the Preliminary Inventory
- (ii) the lease of the tower site and transmitter building for WPAN located at Maverick Lane, pursuant to a certain Short Form Tower License Agreement dated September 9, 2008, between FMI and Crown Castle ("Site Lease");
- (iii) a Local Programming and Marketing Agreement dated April 16, 2014 ("LMA"), between F&H and I Square Media, LLC ("I Square"), under which I Square agreed to pay to F&H the "direct expenses for the operation of" WPAN, in the form of a monthly fee of Ten Thousand Dollars (\$10,000.00) per month (with adjustment for any overpayment or underpayment at a later date); and
- (iv) the FCC license for WPAN.

EXHIBIT B

1) 5519/5521 Maverick Lane, Gulf Breeze, Florida 35261

This address is the location of the tower site and transmitter building for WPAN; The following material items of tangible personal property that are related to or in use by FMI or F&H for WPAN were found at this location:

a) First Room (transmitter room):

Rohde & Schwarz transmitter, NV 8604e, Stock #207609301.02, Serial #100001

Rohde & Schwarz exciter, SX-800

Rohde & Schwarz control unit, NETCCU 800

Rohde & Schwarz amplifiers (4 amplifiers), VH8600A1

Linear-Adaptive Video, Model #102302

Upcom Technologies tuner, UC-IRD#, advanced HD/SD integrated receiver

RCA equipment rack, ~ 6' high x 24" wide, Serial #100412R81)RL

Multiple Cloud/Broadcast Cloud Services receivers (2 receivers)

Scientific Atlanta PowerVu program receiver, D 9850

APC Backup UPS power supplies (2 UPS power supplies), XS 1300

AT&T broadband modem

Edfe-2100 MPEG2 Real Time DTV encoder

Kramer 5x5 video/audio matrix switcher

Videotek VDA-26 video amplifier (2 video amplifiers)

Rushworks System video server, 1CH-MP-UPG, #WPAN 101410 MP4PG

JVC television monitor

Acer P188H computer monitors (2 computer monitors)

Microsoft keyboard and mouse

Myat transmission line coupler, Catalog #301-356-3-000, Serial #4012170701

Myat 3.3 kw band pass filter, Part #FS0707840, Serial #40121807-01

Rhodes & Schwarz pump unit, ZK810K1

Square D 3-phase transformer, Catalog #EE15T2464H

Equipment rack, ~ 6' high x 24" wide (not in service)

Telenet analog television demodulator, Model 4501 (not in service)

Telenet analog television sideband analyzer, Model 3706 (not in service)

Tektronix analog television waveform monitor, Model 528A (not in service)

Tektronix analog television waveform monitor, Model 529 (not in service)

Gentner RF Products VRC-1000 relay interface unit and remote control unit

Transmission line (coiled, surplus/not in use)

Miscellaneous (trashcan, antifreeze and water, stepladder, electric extension cords)

b) Second Room (electrical room):

Tower section (approximately 8')

Antenna (old, no identifying marks)

c) Third Room (to right of transmitter room):

Equipment rack, ~ 7' high x 24" wide

DX satellite receiver/antenna controller

Drake ESR 1240A earth station receiver

Uniden UST-300 satellite antenna controller

Archer automatic dual-line switcher

Realistic SA-102 integrated stereo amplifier

Symetrix 501 peak RMS compressor/limiter

Datatek broadcast video waveform correction system, Model #D-701, Serial #8310029

Audio speakers (2 old wood cased speakers)

Miscellaneous (computer keyboard, mouse and speakers, manuals)

d) Fourth Room (to left of third room):

Table/desk countertop workspace

Andrew AL8-40 UHF television antenna

e) Fifth Room (straight back from third room):

Racon microwave antenna radomes (2 radomes), Serial #40-2294

IRF Technology ACL-70T microwave studio-transmitter link transmitter, Serial #10875

IRF Technology ACL-70R microwave studio-transmitter link receiver, Serial #10876

Sandusky metal cabinet (dove gray), ~6' high x 36" wide, MCO 60507

Waller 4-drawer vertical file cabinet, ~5' high x 15" wide

f) Outside:

Channel Master wire mesh parabolic satellite dish, ~10' diameter (poor condition)

Fiberglass satellite dish, ~5' diameter

Wire Mesh satellite dish, ~5' diameter (very poor condition, almost no mesh left)

Doghouse

UHF television antenna (mounted on tower, unable to identify/describe from ground)