

IN THE COUNTY COURT IN AND FOR PUTNAM COUNTY, FLORIDA

PUTNAM COUNTY HUMANE SOCIETY,
a Florida Not-For-Profit corporation,

Petitioner,

v.

Case No.: 98-217-SC

MARJORIE DUSO d/b/a OAKWOOD
KENNELS,

Respondent.

FINAL ORDER

THIS CAUSE having come before the Court on April 2, 1998 on the Petition of Petitioner, Putnam County Humane Society ("PCHS"), and the Court having heard the evidence presented by the parties, the argument of counsel, and being otherwise fully advised in the premises, finds the following:

1. On August 30, 1997, PCHS seized and took into custody forty-one (41) dogs from Respondent, Marjorie Duso, alleging neglect, mistreatment, and inability to adequately care for the animals.
2. PCHS filed a Petition, pursuant to Section 828.073, Fla.Stat., requesting that custody of the animals be awarded to PCHS, and such other and further relief as this court deems just and proper.
3. The animals when seized were in poor health and not adequately cared for. The Court finds that Ms. Duso did not adequately provide and care for the animals, and is unable or unfit to adequately provide and care for the animals.

THEREFORE, based on the above-stated findings, it is, upon consideration thereof,

ORDERED AND ADJUDGED that Petitioner's Petition is GRANTED as follows:

- a. Respondent, Marjorie Duso's ownership and possession of the animals is hereby permanently revoked and custody of the animals is awarded to Petitioner, Putnam County Humane Society to dispose of the animals as required, except that Ms. Duso may have possession of the Bull Mastiff known as Love. In the event Ms. Duso elects to take possession of Love, then PCHS shall have the right to check on the dog at least once per month. In addition, if Ms. Duso elects to take possession of Love, she will properly and adequately provide and care for the dog in all respects.
- b. Respondent, Marjorie Duso, is enjoined and prohibited from owning, possessing, or breeding any other dogs in the future, except for a personal pet.
- c. The Court reserves jurisdiction to determine what costs, if any, shall be awarded to PCHS for the care and custody of the animals and for the costs incurred in bringing this action.

DONE AND ORDERED in Chambers at Palatka, Putnam County, Florida this 16 day of April, 1998.

/s/ PETER T. MILLER
County Court Judge

Conformed copies to:

Michael W. Woodward, Esq.
Douglas S. Gregory, Esq.

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PETITION

Petitioner, PUTNAM COUNTY HUMANE SOCIETY, a Florida not-for-profit corporation (PCHS) sues respondent, MARJORIE DUSO d/b/a OAKWOOD KENNELS (DUSO), as follows:

1. This is an action to revoke custody or, alternatively, for an order requiring respondent to provide certain care, pursuant to § 828.073, Fla. Stat. Jurisdiction is in this court pursuant to § 828.073(2)(b), Fla. Stat.
2. PCHS is a Florida not-for-profit Corporation devoted to the prevention of cruelty to animals and is an agent appointed pursuant to § 828.03, Fla. Stat.
3. DUSO is an individual residing in Fruitland, Putnam County, Florida and is doing business as Oakwood Kennels.
4. On August 30, 1997, PCHS seized and took into custody 41 dogs from respondent due to the fact that the animals were neglected and mistreated in that, inter alia, they were living in unsanitary conditions, were infested with fleas and sores, had contagious skin conditions, lacked proper certifications for rabies, lacked proper health certificates, lacked proper medical care, and were lacking in proper food and water.

5. DUSO was also arrested at that time and charged with various violations related to animal cruelty, contagious diseases, health requirements, and nuisances. Since that time, the criminal case has been proceeding and recently Putnam County Judge Peter Miller issued an Order granting the DUSO's Motion to Suppress Evidence. As such, the return of the animals to respondent is now at issue.
6. Since seizure of the animals from respondent, the animals have been in the custody of and cared for by PCHS or its agents and are now in good health, except for those animals that had to be euthanized due to their ill-health at the time of seizure.
7. Respondent has neglected and mistreated the animals and she has demonstrated that she is not able to adequately care for the animals. As such, custody should be awarded to PCHS in accordance with § 828.073, Fla. Stat. Alternatively, in the event the court determines that respondent is able to provide adequately for the animals and that custody of the animals should be returned to respondent, then this court should establish adequate and appropriate guidelines and directions for their care, and the owner should be required to pay the charges incurred for the care and provision for the animals while they have been in the custody of PCHS.

WHEREFORE, petitioner requests this court to set a hearing on this matter and following such hearing, to award custody of the animals to petitioner pursuant to § 828.073, and such other and further relief as this court deems just and proper.

no longer used?

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