IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:The Marriage of CASE NO. 502010DR003810XXXXSB/Div. FY
Lloyd G. Wickboldt,

 Plaintiff, **Emergency Motion: Vacate Default, Stay Any
 and All Orders Approving Sale of Defendant’s
 Home, Stay and Enjoin All Actions to Enforce
 Marital Dissolution Judgment Pending Appeal**

**v. and Further Pending An Independent Action
 Related Herein to Vacate the Matrimonial
 Dissolution Judgment And other Relief.**
Julia M. Gonzalez,

Defendant.

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COMES NOW Defendant-Respondent Julia M. Gonzalez who makes this **EMERGENCY MOTION** to Vacate any Default in Appearance on March 28, 2017 and to further vacate any order approving a sale of property in Mirarmar, Florida in Broward County and further temporarily stay all proceedings relating to enforcement of a matrimonial dissolution judgment dated july 29, 2013 including any and all subsequent orders appointing a receiver to sell such property and for other and further relief who respectfully shows this court and pleads as follows:

1. I am Julia M. Gonzalez, the Defendant Respondent Pro Se and have filed as an Emergency to stay and prevent the imminent loss of Florida Constitution Homestead protected rights and substantial property and equity rights.
2. I make this Emergency Motion seeking various forms of relief including but not limited to Vacating any Default in Appearance at an improperly Scheduled UMC Hearing today on March 28, 2017 which was not an Evidentiary Hearing, to further Vacate any and all Orders approving the Sale of the subject real property in Miramar, Florida which is my Florida Constitutionally protected Homestead property, Stay all proceedings relating to the enforcement of any aspect of the Matrimonial Dissolution Judgment and any Orders appointing a Receiver to sell such property pending the determination of an Appeal to the 4th DCA under 4th DCA Case No. 4DC16-2319, further Staying temporarily all such actions to enforce any part of the Matrimonial Judgment and actions of Receiver pending determination of this motion to Vacate the Matrimonial Judgment under Florida Rules of Civil Procedure 1.540(b)(4), and further pending an Independent action to Vacate and Set Aside the Matrimonial Dissolution Judgment under newly filed Complaint in Palm Beach County today March 28, 2017 Filing # 54278855 E-Filed 03/28/2017 08:47:02 AM, and other and further relief as justice requires.
3. The independent action under Filing # 54278855 E-Filed 03/28/2017 08:47:02 AM is attached as Exhibit 1.
4. A Lis Pendens against the subject property was filed this morning in Broward County in a separate action to quiet title and declare Plaintiff’s property as Homestead property under Filing # 54283291 E-Filed 03/28/2017 09:46:47 AM copies of which have been electronically mailed to the various parties. A copy of such filing is attached as Exhibit 2.
5. The Appeal itself is significant as it raises many reasons why the Matrimonial Dissolution Judgment itself which the Receiver was Appointed upon is void and must be vacated and if successful at the 4th DCA, many of the motions in this Court including the Order to Approve Sale will become moot.
6. Both the Plaintiff, his attorney Mr. Aragona, the Receiver Mr. Ryder and his attorney Mr. Malvin are well aware of this and were asked to Cease and Desist and address the underlying fraud upon the court and fraud in the Judgments.
7. There is Excusable Neglect for missing the UMC 5 Minute Hearing today on March 28, 2017 and the Proposed Order submitted by the parties for the Sale shows Misconduct and No Due Process in Notice or Opportunity to be Heard as the parties are falsely and fraudulently presenting this 5 Minute Hearing as if it was an Evidentiary Hearing as requested by Defendant-Respondent herein.
8. In fact it was JA Morales who was “covering” for the JA for Judge Coates who stated by Phone on March 22, 2017 that Judge Coates would not be hearing 5 motions at a UMC Hearing and that all would be Cancelled and Rescheduled and then sent an email confirming these motions were taken off the calendar.
9. The proposed Order for Sale however indicates that Judge Coates “somehow” “Heard” all 4 of my Motions to Vacate and Cease and Desist also at the 5 Minute Non Evidentiary UMC Hearing but there was No Due Process Notice or Opportunity to be heard on these 4 Motions as I was expressly Notified by JA Morales these 4 were off the Calendar and subsequent email by Receiver Attorney Malvin indicated the Motion for Sale was the only motion on and so did a subsequent email from JA Morales who was purporting to speak for Judge Coates by email but this seems to not be the case as the Proposed Order shows Judge Coates ruled on these 4 motions which is not proper, not proper notice, not consistent with due process and not an Evidentiary Hearing as requested nor re-calendared as stated by JA Morales.
10. On Mar 22 at 2:17 PM

Manuela Morales <MMorales@pbcgov.org> To
anthony.aragona@att.net shaun@malvinfeinberg.com julia.gonzalez85@yahoo.com

Please be advised that the hearing scheduled for March 28, 2017 at 8:45 in this case will need to be cancelled and reset for a specially set time. The matter you are bringing before the Court is not appropriate for a uniform motion calendar(UMC) hearing. The amount of time allowed on the UMC is 5 minutes per side, including the time it takes the judge to read any documents. Therefore, please call Robert Pagano, J.A. to Judge Coates and request a special set time. Thank you for your attention and cooperation in this matter.

1. On March 23, 2017 at 8:19 am, Manuela Morales <MMorales@pbcgov.org> wrote,
To Shaun H. Malvin julia gonzalez
CC Anthony Aragona juliegonzalez64@hotmail.com David Ryder Joshua B. Feinberg

Mar 23 at 8:19 AM
This message contains blocked images.Show Images Change this setting

Hello, Judge Coates reviewed the file and stated that generally speaking, an appeal without corresponding stay does not stay the sale. In any event, the parties will need to make whatever argument they believe appropriate at the hearing on March 28th. Thank you for your attention to this matter.

Manuela Morales
Judicial Assistant to
Judge Jessica Ticktin
561-274-1420

1. There was no Subsequent Notice or Order that restored my 4 motions to today’s March 28, 2017 5 minute UMC Calendar and thus I would not have been prepared had I made it to the Court as planned being notified the motions would be re-scheduled and as JA Morales herself said, “The matter you are bringing before the Court is not appropriate for a uniform motion calendar(UMC) hearing. The amount of time allowed on the UMC is 5 minutes per side, including the time it takes the judge to read any documents.”
2. I as Defendant-Respondent raise Excusable neglect for missing the 5 Minute Non Evidentiary UMC Hearing today which I tried to make and this is directly due to the ongoing continuing fraud upon the Court and misconduct of Plaintiff Lloyd Wickboldt and his attorney Mr. Aragona and actions of the Receiver knowing of the fraud which has left me literally Homeless, struggling each night where I will sleep, borrowing from friends just for $20, driving to libraries to try and check emails and documents and going to friends and supporters to have computer access and trying to fight to save my Florida Constitutionally protected Homestead.
3. Because it was not clear that my Motions would be heard Before the Motion Approving sale which makes absolutely no rationale or logical sense and is indicative of possible prejudice as my Motions would be Moot if the Order approving Sale in advance was granted I instead made a choice to further protect my rights and Homestead property by filing independent actions in Broward County with a Lis Pendens and in Palm Beach County on an Independent action in equity against the Matrimonial Judgment and the time it took me was far longer than I had planned and then got too late to make it to a 5 Minute appearance where I would barely have any time to discuss any of this background or be properly heard.
4. I intended no disrespect to the Court and I struggle each day to stay on top of these filings while now being rendered Homeless due to continuing clear fraud and thus have Excusable Neglect and meritorious defenses and thus any Default in Appearance and Any Order on Sale should now be vacated under Florida Rule of Civil Procedure 1.540((b)(1) and 1.540(b)(3) misconduct and fraud both which are timely asserted.
5. In addition to a Stay based upon the Appeal under 4d16-2319 which should be imposed while the Appeal is pending, a Stay should be imposed pending Service of the Summons and hearing and full determination of the independent action to Vacate the Matrimonial Judgment under Palm Beach County filing today Filing # 54278855 E-Filed 03/28/2017 08:47:02 AM.

**FURTHER STAY PENDING TIMELY MOTION TO VACATE THE MATRIMONIAL JUDGMENT UNDER FLORIDA CIVIL PROCEDURE 1540.(B)(4) AS JUDGMENT VOID AND THUS THE ORDERS APPOINTING RECEIVER AND PERMITTING THE RECEIVER TO TAKE ACTION TO SELL THE MIRAMAR PROPERTY SHOULD BE VACATED**

1. A stay should be issued pending determination of this motion herein as well declaring the underlying Matrimonial Judgment “void” under this timely motion made under 1.540(b)(4).
2. A void judgment is so defective that it is deemed never to have had legal force and effect.  See TANNENBAUM, Appellant, v. Siobhan H. SHEA, Appellee. No. 4D13–1368.
 Decided: January 08, 2014.
3. The Matrimonial Judgment is so wholly defective and in violation of FS 61.075 and due process as to be void and must now be vacated and set aside and all actions by the Receiver stayed.
4. As legally ineffective and a nullity, “[a] void judgment may be attacked” pursuant to Rule 1.540(b)(4) “at any time because the judgment creates no binding obligation on the parties.” Fisher v. State, 840 So.2d 325, 331 (Fla. 5th DCA 2003) (emphasis removed).
See Tannebaum, above.
5. Also, “[a] judgment is void if, in the proceedings leading up to the judgment, there is ‘[a] violation of the due process guarantee of notice and an opportunity to be heard.’ “ Shiver v. Wharton, 9 So.3d 687, 690 (Fla. 4th DCA 2009) (quoting Viets v. Am. Recruiters Enters., 922 So.2d 1090, 1095 (Fla. 4th DCA 2006)).” All of these defects are present here and the Judgment is void and must be set aside.
6. In violation of FS 61.075(3), The Final Judgment of Dissolution was not supported by competent and substantial evidence and factual findings in the Judgment on any of the issues of the marriage including the distribution of marital assets and marital liabilities and claims to conversion of funds and is thus void.
7. Judge French who was relying upon such Judgment to appoint a Receiver knows and should know and Judge Harrison knows and should have known, the Final Judgement of Dissolution is void by statute for failing to determine under F.S.§61.075:

“F.S. §61.075(1)(a); (a) The contribution to the marriage by each spouse, including contributions to the care and education of the children and services as homemaker.”

1. The Final Judgment makes no Findings with regard to the contributions to the marriage by Defendant-Respondent specifically as “services as homemaker”. While there were no children, Defendant-Respondent contributed to the marriage in numerous ways including but not limited to; making regular meals and general housekeeping; taking Plaintiff to medical appointments and Rehab clinics, ensuring that all bills of the marital home were being paid albeit from Plaintiff’s funds, attempting to keep Plaintiff on a positive track and away from his serious addictions, providing affection and caring for the Plaintiff and other services. The Judgment is devoid of any findings on this factor regarding the Defendant-Respondent.
2. F.S. §61.075(1(b), “(b) The economic circumstances of the parties.”The Final Judgment is wholly devoid of the required factual findings based on this statutory factor and thus is void. Appellant had worked her entire life prior to the marriage and was forced by Plaintiff to give up her job to be the homemaker. Defendant-Respondent would earn up to approximately $30,000.00 a year prior to the marriage. The Final Judgment is wholly devoid and defective on this factor and takes no consideration of the equities in Defendant-Respondent losing out from being able to work as having to work to care for Plaintiff Wickboldt and his addictions throughout the marriage and thus is void.
3. F.S. §61.075(1)(c), “the duration of the marriage”. Again the Final Judgment is wholly devoid on this factor and thus is void. The marriage lasted barely 2.5 years which does not account for times when Plaintiff Wickboldt was in Rehabs due to his significant addictions. Defendant-Respondent still maintained the marital home during these times. The Final Judgment is devoid of findings on this factor and void. The Judgment is void for having a Dissolution which factually considered this factor in equitable distribution amongst the parties.
4. F.S. §61.075(1)(d), “Any interruption of personal careers or educational opportunities of either party.” Again the Final Judgment is entirely devoid of any required finding on this factor. Defendant-Respondent had always been a strong, working individual prior to the marriage for years having purchased her own home protected by Homestead years prior to the marriage, purchased her own car and paying her own bills and planning to finish school to become a Registered Nurse. Because of the serious domestic abuse in the marriage and the abusive litigation lasting years, Defendant-Respondent’s personal careers and educational opportunities have been severely damaged. The Judgment is void for failure to make required findings on this factor.
5. F.S. §61.075(1)(g), “(g) The contribution of each spouse to the acquisition, enhancement, and production of income or the improvement of, or the incurring of liabilities to, both the marital assets and the nonmarital assets of the parties.” The Final Judgment is devoid of any findings regarding the Defendant-Respondent’s contributions on this factor.
6. While it is true the funds that were used to maintain and enhance the marital home and assets were funds obtained by Plaintiff Wickboldt’s disability payments, but for the contributions of the Defendant-Respondent in ensuring that bills were actually paid and accounts maintained, such assets and properties would be lost. Plaintiff Wickboldt already had a history of bankruptcy and losing property by not paying bills.
7. Defendant-Respondent contributions ensured the marital home and property were maintained particularly when Plaintiff Wickboldt was in Rehabs or off Gambling. The Judgment is void for failure to make findings on this factor.
8. F.S. §61.075(1)(j), “(j) Any other factors necessary to do equity and justice between the parties.”. The Final Judgment failed to properly consider the impacts of domestic violence upon the Defendant-Respondent at the hands of the Plaintiff Wickboldt and determine equities due Defendant-Respondent on this factor. The Final Judgment is void based on this failure.
9. F.S. §61.075(3) which mandates in part as follows, “any distribution of marital assets or marital liabilities shall be supported by factual findings in the judgment or order based on competent substantial evidence with reference to the factors enumerated in subsection (1). The distribution of all marital assets and marital liabilities, whether equal or unequal, shall include specific written findings of fact as to the following:
“ (a) Clear identification of nonmarital assets and ownership interests;” The Final Judgment failed to identify the marital home listed by Plaintiff Wickboldt as a marital home in Par. 7 of his original Complaint and Financials and yet further improperly ordered a 50/50 split of Defendant-Respondent’s Homestead home purchased 7 years before this short 2.5 year marriage as if this was “marital property” when such property was never claimed in Pleadings as “marital property” by Plaintiff Wickboldt thus depriving Defendant-Respondent of further due process notice and violations at Trial.
(b) Identification of marital assets, including the individual valuation of significant assets, and designation of which spouse shall be entitled to each asset;” The Final Judgment failed to identify how or why the Court was ordering a 50/50 split on Defendant-Respondent’s clearly pre-marital property purchased 7 years in advance of the marriage and protected by Homestead.
10. The Final Judgment references No Specific Financial findings to arrive at this award and this property in Miramar, Fl clearly was never claimed by Plaintiff Wickboldt as “marital property”. The Final Judgment is void in this regard and has no specific dollar amounts found and determined that went to Defendant-Respondent’s Homestead property from Plaintiff Wickboldt’s funds. This part of the Judgment is void and a new trial must be Ordered.
11. The one-sided nature of proceedings at “Trial” where Defendant-Respondent was Pro Se seeking a continuance to retain a new attorney as a result of Plaintiff Wickboldt and Aragona’s extrinsic fraud upon the Court scheme shows that contrary to Plaintiff Wickboldt and Aragona’s claims of fraud and a scheme by Defendant-Respondent to marry Plaintiff out of fraud, in fact it was Plaintiff Wickboldt in the week prior to the Marriage who took the Defendant-Respondent to Orlando, Florida allegedly to see his good friend Accountant to invite him to their wedding.
Instead the Defendant-Respondent was faced with a remarkably uncomfortable solicitation by
the Plaintiff Wickboldt’s Accountant to use her real property purchased nearly 7 years prior
as a way to obtain a second mortgage so the Plaintiff Wickboldt could pay off a very large
debt to the IRS of over $40,000.00.
12. This was very embarrassing and uncomfortable for the Defendant-Respondent and came “out of the blue”.
13. A valid Judgment and proper due process proceedings not based in extrinsic fraud on the court would thus show it was the Plaintiff Wickboldt and not the Defendant-Respondent who had a pre-marriage plan to take real property of the Defendant-Respondent, property subject to Florida Constitutional Homestead protection.
14. By Plaintiff Wickboldt’s filed own admissions and statements in his financial Disclosures, the numbers adduced at Trial and for the Dissolution Judgment do not add up nor does the Final Judgment specify with sufficient clarity the financial accounting and is further violation of FS 61.075 for lack of substantial and competent evidence where several of Plaintiff’s Exhibits were not filed, do not exist, were in fraud and other.
15. The Judgment is void under FS §61.075.
16. Plaintiff Wickboldt stated during proceedings Net Monthly Income of $16,747 and
Monthly Expenses of $12,671.
17. This was a document signed under oath by Plaintiff Wickboldt in March of 2010.
By averaging those amounts over the 2.5 year marriage there was Net Income of
approximately $502,410.00 and Net Expenses of approximately $380,130 solely
for expenses of Plaintiff Wickboldt leaving $122,280.00 in monies not directly identified
based on the Sworn Financials to Expenses to benefit the Plaintiff.
18. The expenses did not include the large IRS debt owed by Plaintiff Wickboldt where Defendant-Respondent provided the Services to ensure was paid for Plaintiff Wickboldt.
19. This does not include mutual Vacation expenses and other items.
20. Again further not considered by the Judgment but what must be considered now is also the Defendant-Respondent was forced into full time homemaker by Plaintiff and thus loss the Income for 2.5 years of approximately $50,000 to $75,000.00, approximate.
21. Then there is the Personal Property of Defendant-Respondent lost and secreted or destroyed by Plaintiff Wickboldt valued at over $92,000 as listed on Defendant-Respondent’s prior Disclosure all not accounted for in the Final Judgment rendering it Void based on Statute.
22. Plaintiff Wickboldt and Aragona furthered the wrongful scheme and void judgment by false claims of evidence allegedly available when no official record of such evidence exists in the Certified Records on Appeal by Clerk Sharon Bock of Palm Beach County and such false claims of evidence was used to further Deny Defendant-Respondent’s ability to present her case.
23. Thus there is no clear entitlement to appointment of a Receiver and Judge French
knowing or who should have known of these Statutory deficiencies renders the
Order to Appoint a Receiver an Abuse of Discretion and legal nullity.
24. A review of the Final Judgment shows no proof of how the Court came to the numeric conclusions it reached.
25. Receiver Ryder has been informed of all of these facts and provided the information for due diligence review and has been asked to Cease and Desist by Defendant-Respondent.
26. Instead, the Receiver has wantonly and grossly negligently disregarded this information and the basic legal standards of a valid Dissolution Judgment and furthered a wrongful scheme to take Plaintiff’s Homestead property and other damages.
27. The appointment of a receiver must now be reversed and vacated or alternatively stayed until proper hearings back at the trial level for a new Judgment occur.
 **WHEREFORE**, it is respectfully prayed for an Order Vacating any Default in Appearance at an improperly Scheduled UMC Hearing today on March 28, 2017 which was not an Evidentiary Hearing, to further Vacate any and all Orders approving the Sale of the subject real property in Miramar, Florida which is my Florida Constitutionally protected Homestead property, Stay all proceedings relating to the enforcement of any aspect of the Matrimonial Dissolution Judgment and any Orders appointing a Receiver to sell such property pending the determination of an Appeal to the 4th DCA under 4th DCA Case No. 4DC16-2319, further Staying temporarily all such actions to enforce any part of the Matrimonial Judgment and actions of Receiver pending determination of this motion to Vacate the Matrimonial Judgment under Florida Rules of Civil Procedure 1.540(b)(4), and further pending an Independent action to Vacate and Set Aside the Matrimonial Dissolution Judgment under newly filed Complaint in Palm Beach County today March 28, 2017 Filing # 54278855 E-Filed 03/28/2017 08:47:02 AM, and other and further relief as justice requires.
**Dated:** March 28, 2017

  **/s/ Julie M. Gonzalez** Julie M. Gonzalez, Pro Se
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**CERTIFICATE OF SERVICE**

 Petitioner does hereby certify that the foregoing Petition was served on all parties below by e-file with the clerk of the court this 28th day of March, 2017.

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EXHIBIT 1

EXHIBIT 2