

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

CASE NUMBER: 50-2018-CA-002317-XXXX-MB (AF)

WALTER E. SAHM and  
PATRICIA SHAM

Judge Carolyn Bell

Plaintiffs,

v.

**BERNSTEIN FAMILY REALTY LLC.**

BRIAN O'CONNELL, as successor Personal Representative of The Estate of Simon L. Bernstein.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;  
MICHAEL BERNSTEIN; MOLLY SIMON; PAMELA B. SIMON;  
JILL IANTONI; MAX FRIEDSTEIN;  
LISA FRIEDSTEIN, Individually and as Trustees of the Simon L. Bernstein Revocable Trust  
Agreement dated May 20, 2008 as amended and restated;  
**ELIOT BERNSTEIN;**  
**CANDICE BERNSTEIN, Individually and as Natural Guardians of Minor Children JO., JA., and D. BERNSTEIN;**  
**AND ALL UNKNOWN TENANTS.**

Defendants.

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**Motion for relief from judgment pursuant to 1.540**

**BERNSTEIN FAMILY REALTY LLC;** a dissolved LLC (being reinstated). (hereinafter known as "Defendants" or "BFR") (for purposes to contest jurisdiction et.al. without waiving motions to quash), **ELIOT BERNSTEIN, Individually and as Natural Guardians of Minor Children JO., JA., and D. BERNSTEIN;** (hereinafter known as "Defendants" or "ELIOT"), **CANDICE BERNSTEIN, Individually and as Natural Guardians of Minor Children JO., JA., and D. BERNSTEIN;** (hereinafter known as "Defendants" or "Candice") **AND ALL UNKNOWN TENANTS.** (hereinafter known as "Defendants" or "TENANTS") **ADULT DANIEL BERNSTEIN** (hereinafter known as "Defendants" or "DANIEL") **ADULT JOSHUA BERNSTEIN** (hereinafter known as "Defendants" or "JOSH") **ADULT JACOB BERNSTEIN.**

(hereinafter known as “Defendants” or “JACOB”) (hereinafter known jointly as “Defendants”), by and though the undersigned counsel hereby files this Motion for Relief from Judge as follows:

1. Defendants move for relief from the final judgment dated December 21, 2021 pursuant to 1.540 (b) (1-5).
2. This motion is filed to preserve the Defendant’s rights, although this case was settled recently. The new lawyer for the sole surviving Plaintiff, Patricia Sahm is Amber Patwell, Esq. Her notice of appearance was filed. Attorney Sweetapple refuses to withdraw although Patricia Sahm signed a stipulation. Plaintiff and Defendants BFR and the Bernstein family entered into a settlement agreement to fully resolve this matter. This motion is only being filed to preserve the client’s rights due to prior counsel and outside parties threatening to cancel the settlement.
3. Plaintiff Patricia Sahm is also an innocent party as her daughter Joanna Sahm hired all the attorneys and ordered all the filings pursuant to an undisclosed Power of Attorney which has now been revoked.
4. Joanna Sahm has also filed a mental health case and a guardianship case on April 17, 2023, against her mother Plaintiff Patricia Sahm to control her mother and to continue to commit her frauds on not only this court but the MH and GA courts. In conjunction it is believed this strategy is being conducted with Ted Bernstein and his lawyer Alan Rose, as well as Plaintiff’s terminated lawyer, who refuses to withdraw Mr. Sweetapple, and they are also using an attorney to file objections in two other bankruptcy courts, Brad Schrieberg, Esq. It is unknown if the current lawyer for Joanna Sahm in the MH and GA cases is aware of her client’s action.

5. These lawyers are continuously filing conflicting pleading in numerous courts, and under information and belief, are directing their non-client or client Joanna Sahm to continue to fight this matter and to file fraudulent pleadings and allegations. It may be Joanna Sahm directing the lawyer to file these misrepresentations for her own gain.
6. In summary, the Plaintiff's conflicted counsel Sweetapple (new counsel Amber Patwell, Esq. is innocent and not part of any allegations or misrepresentations), under the direction of non-party Joanna Sahm have not informed this court of Walter Sahm's death years ago and still to date continues to file pleadings in his name although he is not alive. Then, contrary to the allegations in this case, in bankruptcy court, they file pleadings for the non-substituted estate as if it has rights it does not have. The estate lawyer has confirmed the estate of Walter Sahm has no rights in this matter as the mortgage and note passed to Plaintiff Patricia Sahm by operation of law. Therefore, all pleadings filed on behalf of Walter Sahm and all resulting orders must be stricken, and the final judgement reversed or determined to be void.
7. As to Plaintiff Patricia Sahm, in this court Joanna Sahm directed the Plaintiff's attorney to continue filing and to not inform this court of any apparent potential allegations of incapacity, thereby all those pleadings and orders must be stricken.
8. The only remaining Plaintiff, Plaintiff Patricia Sahm, is the surviving spouse of former Plaintiff Walter Sahm, and she has retained independent counsel, who has no conflict like all the others, and who has interviewed her client and has agreed to the settlement as her client wants to end this matter once and for all. Patricia Sahm never hired Attorney Sweetapple and was never presented with any settlement offers, nor was she ever updated on this case. Patricia Sahm revoked Joanna Sahm's power of attorney and as a result

Joanna Sahm is retaliating against her mother and the defendants by filing fraudulent MH and GA cases.

9. Attorney Amber Patwell, Esq. is also Plaintiff Patricia Sahm's new attorney contesting the mental health case and the guardianship cases, as Patricia Sahm does not want a guardianship case, nor her daughter making any decisions as related to this foreclosure case. At a hearing this week in the MH and GA cases, Patwell and defense counsel informed the court of the settlement of this case, and are aggressive defending Patricia Sahm's freedom from legal slavery that Joanna Sahm and the other lawyers are attempting to implement on her, to steal defendant's home. The new attorney Joanna Sahm hired to represent her as petitioner in the guardianship and MH cases may or may not be aware of all these fraud.
10. The court requested that the two attorneys in the MH and GA case attempt to resolve the matter before an evidentiary hearing be had. No guardian is appointed, and no finding have been made of incapacity by the court. Joanna Sahm's attorney admitted to the court that the MH and guardianship case were filed for the purpose of stopping action in this foreclosure case. That court is being used to stop any resolve as Joanna Sahm told Plaintiff Sahm she will never agree to settle this case and wants this home, as she can sell it for \$850,000.
11. Since Plaintiff Patricia Sahm has not had real counsel until Amber Patwell, Esq. came in recently; her right to vacate the judgment and/or appeal the matter has not expired. A valid settlement agreement has been entered into which is enforceable. Even if this case is dismissed, Patricia Sahm and the BFR and the Bernsteins will resolve this matter outside the courts as these families have been friends and worked together for over 30 plus years.

## **MOTION IS TIMELY**

12. The rehearing was timely filed and the order denying the rehearing was entered on May 25, 2022. An appeal ensued. *Pruitt v. Brock*, 437 So.2d 768, 772 (Fla. 1st DCA 1983) ("If a timely motion for rehearing is to affect the finality and the operation of a final judgment, order or decree for appellate purposes, we can find no logical reason for not consistently applying that principle to toll the one-year time limitation provided in rule 1.540(b), until such time as the motion's disposition."). *Varona v. Universal Prop. & Cas. Ins. Co.* (Fla. App. 2022)
13. *Florida Rule Civ.Pro, Rule 1.540(b)* Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, decree, order, or proceeding for the following reasons:
- (1) mistake, inadvertence, surprise, or excusable neglect;
  - (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial or rehearing;- the death and lack substitution of the trust and probate or informing the court of the death or the rights transferring solely to Patricia Sahm are frauds on this court. This also causes a lack of standing to continue to file the pleadings that led to the summary final judgment.
  - (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party including but not limited to:
    - undisclosed death of Walter Sahm and attorneys guilty of fraud as not authorized to represent him because death – and to strike all unauthorized pleadings.

- The three Bernstein boys were not properly served as 2 were adults at the time of service, and plaintiff's then counsel knew the misrepresentations to the court about their standing and only served them through their parents Candice and Elliot Bernstein, as minors. Therefore, the Bernstein boys were never properly served with this foreclosure although they have a significant interest in this case, they are the owners of BFR, and they are the ones paying the settlement from their independent funds held by the clerk of court registry in front of Judge Laura Johnson.

-Elliot Bernstein was never served as an individual but only was served as a 150 lbs. unknown tenant.

-Ted Bernstein, by his attorney Alan Rose, was a coconspirator through his two lawyers and informed the other court he filed a motion for the surplus on a purported second that the statute of limitations has fully run and that is not enforceable - in this case and the other.

-Ted Bernstein's attorneys called the Bernstein family squatters, although they have lived in this home for over 15 years, have significant funds invested in the home, and have attempted to resolve this matter for years to no avail due to Plaintiff. (not Patricia Sahm who is innocent), but through the undisclosed POA and attorneys' actions.

(4) that the judgment, decree, or order is void; a further motion to determine the Judgment is void will be filed if necessary as the state of limitations does not apply to void judgments, which this is, a void judgment; or

(5) that the judgment, decree, or order has been satisfied, released, or discharged, or a prior judgment, decree, or order upon which it is based has been reversed or otherwise vacated,

or it is no longer equitable that the judgment, decree, or order should have prospective application.

- This judgment is no longer equitable as if determined void it will not be reversed but set aside because no proper service on at least 5 defendants. So, the time for appeal hasn't even started in reality.

-The Judgment cannot be in the name of Walter Sahm due to death and non-substitution.

14. Other discovered frauds to address that were discovered are very significant legal issues in this case that were not disclosed to Judge Kastrenakes, including:

a. The fact that there is not, and has not been, a proper Plaintiff to file pleading in this case since the **death of Plaintiff on January 5, 2021, as to Walter Sahm**; and since the inception in this case for Patricia Sahm as directed by Joanna Sahm. It was discovered for the first time that Joanna Sahm has been directing this case pursuant to a power of attorney not disclosed nor has Patricia Sahm been told of anything going on in this case. Contrary to the non-disclosure or allegations herein, Joanna Sahm in a bankruptcy hearing claimed her mother Patricia Sahm had an undisclosed incapacitation; (disclosed in bankruptcy court 8/25/22) and it has been hidden from this court as well as defendants Only recently when Patricia Sahm revoked her POA to Joanna Sahm and all her lawyers playing a MH and GA need, although the estate lawyer has informed the undersigned that Patricia Sahm is not as incapacitated as they are alleging to the MH and GA court. Further, Joanna Sahm has committed further fraud on her own mother Patricia Sahm by sneaking her mother to her lawyer's office and having her mom evaluated prior to service of the MH or GA cases, specifically and only to regain control to stop the settlement in this matter.

b. First named Plaintiff Walter Sahm's death was on January 5, 2021, and that was never disclosed to the court by Plaintiffs, as well as running of the 90-day's substitution time frame

causing a mandatory dismissal and all his pleading must be stricken. As recently as this month, Sweetapple is still filing the unauthorized pleading in this court all of which must be stricken and a referral to the Florida Bar for these actions is requested if the court deems it appropriate.

c. Plaintiff's (should be former counsel) Sweetapple continues to file pleadings with no legal authority for both Plaintiffs and has no authority whatsoever since prior to the Summary Judgment hearing and the Final Judgment entered December 23, 2021; due to DEATH OF WALTER SAHM and lack of authority to represent Patricia Sahm.

d. Second named Plaintiff Patricia Sahm is not incapacitated as alleged. Plaintiff Patricia Sahm's "pre-Need Guardian" and POA and possible incapacitation were never disclosed to this Court resulting in no standing, no proper guardian, no proper substitution, and as a result all pleadings are a nullity and must be stricken and case dismissed. Patricia Sahm through her non-conflicted attorney is fighting the MH and GA cases to protect her client from her daughter's overreaching and misuse of the courts.

e. The motion to reset sale and Notice of Hearings were filed with no proper plaintiffs or authority, and on behalf of a non-party Joann Turner, Trustee of the Ronald C. Turner 2012 Irrevocable Trust (see wherefore clause), in addition to the dead plaintiff and the incapacitated plaintiff.

f. Jurisdictional issues including lack of service, misrepresentations as to service, defaults being entered without proper affidavits of service, not properly serving the third amended complaint, misrepresentations as to the adult children's ages.

g. Improper service or complete lack of service issues,

h. Improperly named parties and failure to include indispensable parties, including the three adult Bernstein men.

i. The fact that the Plaintiff violated the rules and administrative orders by unilaterally setting the hearing and then refusing to cooperate on resetting the hearing as a proper evidentiary hearing.

j. The fact that there is not, and has not been, a proper Plaintiff to file pleading in this case since the **death of Plaintiff on January 5, 2021, as to Walter Sahm**; and since 2021 as to **Patricia Sahm**; (disclosed in bankruptcy court 8/25/22) and it has been hidden from this court,

k. – In performing due diligence, the Private Investigator retained by the undersigned located probate case in Marion county for Walter Sahm, and the undersigned has filed an appearance in that matter. The attorney for that estate case was cooperating to resolve this matter and honestly disclosed that Patricia Sahm is not as incapacitated as alleged by Joanna Sahm. He is not included in any of the allegations against the lawyers who are conspiring with Ted Bernstein (and attorney Rose) to steal this home. There is also trust involved. Sweetapple and Rose and Shreiberg knew this judgment should have been part of probate and/or there was no authorization to file for a dead man and no one was substituted in. The attorney for the estate is the first honest attorney to inform the undersigned that the estate has no rights and Patricia Sahm is the owner of the mortgage and note through tenancy by the entireties. The attorneys in this matter filed for dead man but then at the same exact time, go to the bankruptcy courts and file objections for the estate, that has no rights, and objections for Patricia Sahm without her authority or knowledge. These inconsistent files have disclosed this fraud on the court.

l. –This case must be involuntary dismissed for lack of standing due to Walter Sahm's death and the fraudulent filings by former counsel on behalf of Patricia Sahm without her knowledge.

m. –The attorneys conduct in not disclosing this lack of authority to file pleading – should be stricken from continued representation of any parties. – and it is requested the court strike all

pleadings, and sanction the attorneys (not Patricia Sahm – but Joanna Sahm) and award attorney's fees and costs.

n. Upon review of the summary judgment transcript, there were further improper allegations as to service and ownership and no note of mortgage were presented, and the lawyers went forward without informing the court of their client's death, and that is ongoing to this date.

- o. There are Jurisdictional issues including lack of service,
- p. misrepresentations as to service in the court file,
- q. defaults being entered without proper affidavits of service,
- r. not properly serving the parties with the third amended complaint,
- s. misrepresentations as to adult children's ages.
- t. BFR was not served the 3rd amended complaint or the final judgment – not in person or electronically and the attorney at the time was not served.

u. Improperly named parties and failure to include indispensable parties, including the three adult Bernstein men.

v. BFR was defaulted clerk on 2<sup>nd</sup> amended compliant and not served with summary judgement nor the notice of hearing for the motion for summary judgment on the 3<sup>rd</sup> amended complaint. Since BFR was not served the final judgment either, it could not take a timely appeal and the appeal time has not tolled.

w. The fact that the Plaintiff violated the rules and administrative orders by unilaterally setting the hearing and then refusing to cooperate on resetting the hearing as a proper evidentiary hearing.

15. We previously filed is a copy of the death certificate of Walter Sahm. In the record.

16. Also, this motion incorporates the allegations in the previously filed motion to stop the January 2023 sale, except as to allegation of incapacitation of Patricia Sahm as alleged in the first

bankruptcy case filed by BFR as an involuntary bankruptcy, and since it was discovered that is untrue. Note that in the second bankruptcy again, the lawyer filed for the estate that has no rights and Patricia Sahm as if not incapacitated, without Patricia Sahm's knowledge.

17. Being filed very shortly is the following motions if necessary to support this motion:

- a. Motion to Strike all Pleading since Death of Plaintiff Walter Sahm.
- b. Motion to Dismiss for failure to substitute and for fraud on the court.
- c. Notice of filing bankruptcy audio from 8/25/22 hearing wherein Joanna Sahm, the daughter of the Plaintiffs, testified to the death of her father, the incapacitation of her mother, and her being appointed as P.R. of her father's estate, which was never substituted herein, as well as partial excerpts of the hearing.
- d. Motion to dismiss for lack of service and void judgment by the three adult children who were never served properly, who are the managing members and sole owners of reinstated Defendant Bernstein Family Realty LLC per secretary of state. The judgment is void due to no service of process pursuant to 1.540(B)(4).
- e. Motion to Strike pleading filed on behalf of the purported 2<sup>nd</sup> mortgagor by Alan Rose, Esq or others for Ted Bernstein; fully knowing that it is unenforceable due to potential fraud in the inception and that the statute of limitations has long run for any possible enforcement. This action is causing the Defendants to not be able to refinance the home to save it, has caused significant damage to the Defendants, and is being used for leverage. Further, other available funds have been purposefully held up that could have been used to save the home. And are currently being held up to stop BFR for paying this current valid settlement. The funds to satisfy the settlement in this matter are held by the clerk of court and under control of Judge Laura Johnson. Bogus objections are

being taken there by Ted Bernstein through his attorney Alan Rose. Ted Bernstein and Alan Rose have a serious conflict and motions will be filed in that court to remove them as trustee of some unknown trust and they are purposefully preventing these Defendants from having access to these funds, while copying Sweetapple and Shreiberg in the confidential communications. Bernstein and Rose have a serious conflict and should be happy that the Bernstein boys have resolved this case in a reasonable manner and the funds should be immediately released to satisfy and resolve this case per the wishes of Plaintiff Patricia Sahm and BFR and the Bernstein boys. This disgusting manipulation, conflict, and attempt to assist Sweetapple and Joanna Sahm and Shreiberg in stealing this home from these boys is a horrific travesty of justice. The bullying and attacks on the undersigned and others must be stopped. This madness must be stopped. These inconsistent pleadings must be stopped. This case must be dismissed, and the proper parties will resolve it as agreed.

- f. As a result of the 2<sup>nd</sup> mortgage that Ted Bernstein and attorney Rose refuse to file a satisfaction on, although the statute of limitations has clearly run and the mortgage and note were never intended to be used in this manner, a Motion to quiet title and for damages for intentional interference with ability to pay off first when it was only \$110,000.00, is being filed and will be prosecuted to the fullest extent of the law. Alternatively, a new lawsuit to quiet title and a motion to consolidate will be filed. This feels like an extortion attempt to force a settlement of unrelated trust issues that exist and it is interfering with BFR and the Bernsteins from having access to the fund to satisfy the settlement. These purposeful and conflicting interference attempts must also be stopped.

17,     *In re Engle Related Cases*, 239 So.3d 166 (Fla. 1<sup>st</sup> DCA 2018) (“The lawsuits filed here were nullities because dead person cannot file and maintain a lawsuit.”); *Cocoa Acad. For Aerospace Tech. v. Sch. Bd. Of Brevard Co.*, Fla. 706 So.2d 397, 398 (Fla. 5<sup>th</sup> DCA 1998) (Dead persons aren’t qualified to conduct a suit); *In re Engle Cases*, 767 F.2d 1082, 1086-87 (11<sup>th</sup> Cir. 2024) (“As any lawyer worth his salt knows, a dead person cannot maintain a personal injury claim.”); *Brickell v. McCaskill*, 106 So. 470 (Fla. 1925) (recognizing that the attorney-client relationship terminated at [the client’s] death.”); *Prop. Owners Ass’n v. Schnurr*, 4D19-3474 (Fla. 4<sup>th</sup> DCA 2022); *De La Riva v. Chavez*, 303 So.3d 955 (Fla. 4<sup>th</sup> DCA 2020); *In re Marriage of Kirby*, 280 So.3d 100 (Fla. 4<sup>th</sup> DCA 2019)

18. Although it is not believed that Patricia Sahm is incapacitated, if Plaintiff continues their charade of this incapacity, the case must be dismissed for failure to inform the court timely.

See *Paul v. Gonzalez*, 960 So.2d 858 (Fla. 4<sup>th</sup> DCA 2007) which held:

“Under rule 1.210, when the unrepresented plaintiff in this action became incompetent, the trial court itself should have either appointed a guardian ad litem or entered “such other order as it deems proper for the protection” of the incompetent plaintiff. The policy of the rule is that the court should insure that the interests of the incompetent party will be protected until someone is qualified to succeed to his interests. In this instance, the trial court did neither. Not only does rule 1.210 authorize these actions, it plainly requires them. In failing to do either one, the dismissal clock began ticking on Paul ’s lawsuit without any representative capable of understanding the lapse of time and the consequent effect on his legal rights. He was left without any person qualified to take action on his behalf.”

19. Joanne Sahm did not timely file a guardianship within 20 days of the 8/25/22 bankruptcy hearing and never informed this court period. Nor did Joanna Sahm within 20 days of the preneed guardianship being used, produce proof of the pre-need guardianship signed in front of two witnesses as required by law. Further, the pre-need guardian did not move to intervene here. In fact, this issue was only reported to this Court recently due to Joanna Sahm losing control over her mother and her thwarted attempt to steal this home from the Bernsteins and BFR. This is a last

ditch effort to maintain control and it is sad that a daughter would do this to her own mother solely for her own personal financial gain, while being willing to commit fraud in numerous courts with inconsistent filings using at least 4 different attorneys. It is possible the attorneys were mislead by Joanna Sahm as their defense, but based on the emails, conversations and filings, and the bankruptcy judge questioning some of the filings for the dead Walter Sahm and the estate's rights, it is doubtful they were not aware of this issue. Again, this must end.

**BANKRUPTCY PROVED KNOWLEDGE OF THE DEATH AND ANY POTENTIAL ALLEGATION OF INCAPACITATION OF PLAINTIFFS AND THE INTENT TO CONTINUE THE CHARADE**

20. Also, the undersigned appeared at a prior hearing in the bankruptcy as a courtesy to the Bernsteins and informed the bankruptcy court of the death of Walter Sahm as the filing attorney Brad Schreiber, Esq. filed a notice of appearance on behalf of the dead man Walter Sahm. He went on to correct this filing and brought it into the estate through the P.R. This portion of the transcript will also be filed. As recently discovered after attempting to resolve this case with the estate and Joanna Sahm as the PR, the estate has no rights and Joanna Sahm's power of attorney is revoked; therefore, she has no rights, only Patricia Sahm, who has her own attorney Amber Patwell, Esq.

21. At the August 25, 2022, bankruptcy hearing, the Bankruptcy Judge did address this improper filing. The Plaintiff's attorneys herein, as well as Ted Bernstein's attorney herein, were fully aware of the death and potential incapacitation of the Plaintiffs, and they have purposefully chosen not to inform this court, or the prior Judge, of this significant legal development and have chosen to move forward in this improper and illegal series of null filings with no authority or proper substitutions.

22. Further, Ted Bernstein's attorney and Ted Bernstein are fully aware that the 2<sup>nd</sup> mortgage is clouding the title and is preventing the refinance of this home in order to save it.

23. Judge Laura Johnson is allowing some of the adult children's funds to be used for purposes of saving this home which the adult Bernsteins have invested significant funds. They will pay the 1<sup>st</sup> mortgage settlement and fight in court to on the second mortgage being cleared. This tactical delay of addressing the 2<sup>nd</sup> by the Plaintiff's and the other is causing serious harm to the Defendants herein.

**TWO OF THE CHILDREN HAD REACHED ADULTHOOD PRIOR TO FILING OR JUDGMENT AND ALL THREE ARE ADULTS NOW**

24. A Motion to Vacate Default for 2 adult children was filed as DE 83 filed on 10/12/2020. The adult Bernstein men were never properly named or served in this case. Now all three are adults. None have ever been properly served in this matter, nor named properly. Three of the children have already reached adulthood and have not been served with the Judgment.

25. Fla.Stat. §415.101 was designed to protect adults in need. Here the adults are not in need and a guardian was not needed as named.

415.101 Adult Protective Services Act; legislative intent.—

- (1) Sections 415.101-415.113 may be cited as the "Adult Protective Services Act."
- (2) The Legislature recognizes that there are many persons in this state who, because of age or disability, are in need of protective services. Such services should allow such an individual the same rights as other citizens and, at the same time, protect the individual from abuse, neglect, and exploitation. It is the intent of the Legislature to provide for the detection and correction of abuse, neglect, and exploitation through social services and criminal investigations and to establish a program of protective services for all vulnerable adults in need of them. It is intended that the mandatory reporting of such cases will cause the protective services of the state to be brought to bear in an effort to prevent further abuse, neglect, and exploitation of vulnerable adults. In taking this action, the Legislature intends to place the fewest possible restrictions on personal liberty and the exercise of constitutional rights, consistent with due process and protection from abuse,

neglect, and exploitation. Further, the Legislature intends to encourage the constructive involvement of families in the care and protection of vulnerable adults.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, ch. 73-176; s. 1, ch. 77-174; ss. 3, 5, ch. 79-287; s. 15, ch. 79-298; s. 1, ch. 80-293; s. 1, ch. 83-82; s. 61, ch. 85-81; s. 27, ch. 86-220; s. 93, ch. 95-418; s. 1, ch. 2010-31.

**THE MOTION TO RESET FORCLOSURE SALE IS ALLEGELY**  
**BY A NONPARTY TRUST**

26. The Motion to reset the Sale contains in the wherefore clause a non-party, Joann Turner, Trustee of the Ronald C. Turner 2012 Irrevocable Trust and it must be stricken as filed by a dead person, an incapacitated person and a non-party.

**ATTORNEY FEES AND COSTS**

27. The Defendants have retained the undersigned and have agreed to pay reasonable fees and costs.

28. Pursuant to Fla.Stat. §57.105, et.sec., the undersigned is seeking fees and costs for the prosecution of this motion and for defending against the improper foreclosure.

**WHEREFORE CLAUSE**

Wherefore, it is respectfully requested that this Honorable Court set aside the final judgment, dismiss this case with prejudice, award attorney's fees and costs for the defense of this motion, and/or to set an evidentiary hearing on the issues of the death of Plaintiff Walter Sahm, and the Plaintiff's conduct in not disclosing this to this court, the lack of service on the adult children, and for any relief deemed fit and proper.

Respectfully submitted,

By: /s/ Inger M. Garcia  
Inger M. Garcia, Esquire  
Florida Bar Number: 0106917  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true copies of the foregoing document were filed electronically with the Clerk of Court through the Florida Courts e-filing Portal, which shall serve an electronic copy by e-mail on counsel of record this 24<sup>th</sup> day of May 2023.

By: /s/ Inger M. Garcia  
Inger M. Garcia, Esquire

E-Portal List from E-Filing:

**DEFENSE AND DEFENDANTS**

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