

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2018-CA-002317
AF: Circuit Civil Central - AF

WALTER E. SAHM and
PATRICIA SAHM,

Plaintiffs,

NOTICE OF APPEAL

v.

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS.

Defendants,

PLEASE TAKE NOTICE that the undersigned defendant, Eliot I. Bernstein, hereby Appeals to the Fourth District Court of Appeals from the Final Judgment of Foreclosure entered Dec. 23, 2021, Document No. 88, Judge Kastrenakes presiding, and appeals from each and every part of said Judgment bringing up for review on Appeal each and every interim Decision, Order and determination therein and for such other and further relief as may be just and proper.

Dated: January 24, 2022

/s/Eliot Ivan Bernstein

Eliot Ivan Bernstein, Appellants
2753 NW 34th St
Boca Raton, FL 33434
561-245-8588
iviewit@iviewit.tv

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this day of January 24, 2022.

/s/Eliot Ivan Bernstein

Eliot Ivan Bernstein, Appellant

2753 NW 34th St

Boca Raton, FL 33434

561-245-8588

iviewit@iviewit.tv

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION DIV: "AF"
CASE NO.: 2018CA002317AXX

WALTER E. SAHM,
and PATRICIA SAHM

Plaintiffs,

vs.

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 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.

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE came before the Court on November 22, 2021 upon Plaintiffs' Motion for Summary Final Judgment of Foreclosure. The Court, having reviewed the Motion, the attached exhibits, affidavits, and evidence, having reviewed the court file and record, having heard argument of counsel, and after being otherwise duly advised in the premises, it is hereby

ORDERED and ADJUDGED that Plaintiffs' Motion is **GRANTED** as follows:

1. **Final Judgment.** The parties have consented to the entry of this Final Judgment.

2. **Value of Claim.** At the initiation of this action, in accordance with section 28.241(1)(a)2.b, Florida Statutes, Plaintiff estimated the amount in controversy to be \$110,000.00.

In accordance with section 28.241(1)(a)2.c, Florida Statutes, the Court identifies the actual value of the claim as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the graduated filing fee scale in section 28.241(1)(a)2.d, Florida Statutes, controls. In an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. In an additional filing fee is owed, the plaintiff shall pay the additional filing fee at least five (5) business days prior to the judicial sale. In any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. **Amounts Due.** Plaintiffs Walter E. Sahn and Patricia Sahn, are owed:

Principal:	\$110,000.00;
Interest at Note rate to 6/19/2014:	\$3,850.00;
Default Interest at 18% 6/20/2014 – 12/31/2021	\$149,122.56
Real Property Taxes paid by Lender	\$38,596.62
Attorney's Fees	\$52,005.50
TOTAL:	\$353,574.68

The interest on the **TOTAL SUM** shall bear at a rate pursuant of 18%.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to any and all claims or estates of Defendant(s), on the following described property in Palm Beach County, Florida:

Lot 68, Block G, BOCA MADERA UNIT 2, according to the Plat thereof, recorded in Plat Book 32, Pages 59 and 60, of the Public Records of Palm Beach County, Florida

5. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to this judgment are not paid, then the Clerk of the Court shall sell the property at public sale on April 20, 2022, beginning at 10:00 a.m. to the highest bidder for cash, except as prescribed in Paragraph 4, at the courthouse located at 205 North Dixie Highway Suite 323, West Palm Beach, FL 33401 in Palm Beach County, Florida, in accordance with § 45.031, Florida Statutes (2021), using the following method: <https://palmbeach.realforeclose.com>. The foreclosure sale can only be cancelled by Court Order.

6. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk of the Court in the event Plaintiff is not the buyer of the subject property for sale, provided, however, that the buyer of the subject property for sale shall be responsible for the documentary stamps payable on the certificate of title. If Plaintiff is the buyer of the subject property for sale, then the Clerk of the Court shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this Final Judgment, or such part of it as necessary to pay the bid in full.

7. **Distribution of Proceeds.** On filing the certificate of title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending further Order of Court.

8. **Right of Redemption.** On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be

foreclosed of all estate or claim in the property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.

9. **Right of Possession.** Upon filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any defendant or tenant remains in possession of the property, an Order Granting the Motion for Writ of Possession shall be entered without further notice or hearing, subject to the purchaser's compliance with Section 83.561, Florida Statutes.

10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE ST. LUCIE CLERK OF THE COURT, WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD

TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES MONDAY THROUGH FRIDAY AT 1-888-582-3410 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT FLORIDA RURAL LEGAL SERVICES AT 1-888-582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE and ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida,
this 21 day of December, 2021.

502018CA002317XXXMB 12/21/2021
John S. Kastrenakes Circuit Judge

502018CA002317XXXMB 12/21/2021
John S. Kastrenakes
Circuit Judge

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL:

Robert A. Sweetapple, Esquire, Sweetapple, Broeker & Varkas, PL, 4800 N. Federal Highway, Suite D306, Boca Raton, Florida 33431 (pleadings@sweetapplelaw.com)

Eliot Ivan Bernstein, 2753 NW 34th St., Boca Raton, FL 33434 (iviewit@iviewit.tv)

Brian O'Connell, Esquire, O'Connell & Crispin, PLLC, 420 Royal Palm Way, Palm Beach, FL 33480 (boconnell@ocalawyers.com)

Cary P. Sabol, Esquire, Law Offices of Cary P. Sabol, P.O. Box 15981, West Palm Beach, FL 33416 (Csabol@sabollaw.com)

Alan B. Rose, Esquire, Mrachek-law, Fitzgerald & Rose, PL (Arose@Mrachek-law.com)

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