

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

CASE NO.: 50-2018-CA-002317-XXXX-MB

WALTER E. SAHM and
PATRICIA SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS.

Defendant

_____ /

ANSWER TO PLAINTIFFS' THIRD AMENDED COMPLAINT FOR FORECLOSURE

COMES NOW, Defendant, BRIAN O'CONNELL, as Successor Personal Representative of the Estate of Simon L. Bernstein ("Mr. O'Connell"), by and through undersigned counsel, and hereby files his Answer to Plaintiffs' Third Amended Complaint for Foreclosure, as follows:

ANSWER

1. The Third Amended Complaint speaks for itself otherwise, without knowledge, therefore, denied.
2. Section 47.011, Florida Statutes, speaks for itself otherwise, without knowledge, therefore, denied.
3. Without knowledge, therefore, denied.
4. Without knowledge, therefore, denied.
5. Without knowledge, therefore, denied.
6. Without knowledge, therefore, denied.

7. Admitted that Mr. O'Connell is an individual residing in Palm Beach County, Florida, is *sui juris* and is serving as the Successor Personal Representative of the Estate of Simon L. Bernstein, who was the holder of a certain mortgage dated July 8, 2008 made by Bernstein Family Realty, LLC in favor of Simon L. Bernstein and recorded on September 4, 2008 at Official Records Book 22842, Page 1818, of the Public Records of Palm Beach County, Florida, however, pursuant to the Notice of Assignment of Mortgage and Promissory Note, it was assigned. Otherwise, denied.

8. Without knowledge, therefore, denied.

9. Without knowledge, therefore, denied.

10. Without knowledge, therefore, denied.

11. Without knowledge, therefore, denied.

12. Without knowledge, therefore, denied.

13. Without knowledge, therefore, denied.

14. Without knowledge, therefore, denied.

15. Without knowledge, therefore, denied.

16. Without knowledge, therefore, denied.

17. Without knowledge, therefore, denied.

18. Without knowledge, therefore, denied.

19. Denied.

20. Without knowledge, therefore, denied.

21. Without knowledge, therefore, denied.

22. Without knowledge, therefore, denied.

23. Without knowledge, therefore, denied.

24. Without knowledge, therefore, denied.

25. Denied.

26. Admitted that Mr. O'Connell is serving as the Successor Personal Representative of the Estate of Simon L. Bernstein, who was the holder of a certain mortgage dated July 8, 2008 made by Bernstein Family Realty, LLC in favor of Simon L. Bernstein and recorded on September 4, 2008 at Official Records Book 22842, Page 1818, of the Public Records of Palm Beach County, Florida, however, pursuant to the Notice of Assignment of Mortgage and Promissory Note, it was assigned. Otherwise, denied.

27. The Public Records of Palm Beach County, Florida speak for themselves. Otherwise, denied.

28. Without knowledge, therefore, denied.

29. Denied.

30. Denied.

31. Denied.

Denied as to all relief requested in the "wherefore" clause and in Plaintiffs' attorney fee demand.

DATED this 4th day of March, 2020.

/s/ Ashley Crispin Ackal

BRIAN M. O'CONNELL, ESQUIRE

Florida Bar No. 308471

ASHLEY CRISPIN ACKAL, ESQUIRE

Florida Bar No. 37495

CLARA CRABTREE CIADELLA

Fla. Bar No.: 106323

O'Connell & Crispin Ackal

420 Royal Palm Way

Suite 300

Palm Beach, Florida 33480

Telephone: (561) 355-0403

Fax: (561) 355-5133
Primary e-mail address:
service@OCAlawyers.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via e-service this 4th day of March, 2020, to Eliot Ivan Bernstein, 2753 NW 34th St., Boca Raton, FL 33434, (iviewit@iviewit.tv); Cary P. Sabol, Esq., Law Offices of Cary P. Sabol, P.O. Box 15981, West Palm Beach, Florida 33416 (CSabol@sabollaw.com); Alan B. Rose, Esq., Mrachek, Fitzgerald & Rose, 505 South Flagler Drive Flagler Center, Suite 600, West Palm Beach, FL 33401 (Arose@Mrachek-law.com); and Robert A. Sweetapple, 4800 N. Federal Highway, Suite B105, Boca Raton, FL 33431, pleadings@sweetapplelaw.com.

/s/ Ashley Crispin Ackal
BRIAN M. O'CONNELL, ESQUIRE
Florida Bar No. 308471
ASHLEY CRISPIN ACKAL, ESQUIRE
Florida Bar No. 37495
CLARA CRABTREE CIADELLA
Fla. Bar No.: 106323
O'Connell & Crispin Ackal
420 Royal Palm Way
Suite 300
Palm Beach, Florida 33480
Telephone: (561) 355-0403
Fax: (561) 355-5133
Primary e-mail address:
service@OCAlawyers.com