

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
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,  
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, AND CANDICE  
BERNSTEIN, INDIVIDUALLY AND AS  
NATURAL GUARDIANS OF MINOR  
CHILDREN JO., JA. AND D. BERNSTEIN;  
AND ALL UNKNOWN TENANTS.

Defendants.

/

**PLAINTIFFS' MOTION FOR ENTRY OF CLERK'S DEFAULT AGAINST  
DEFENDANT, BERNSTEIN FAMILY REALTY, LLC**

Plaintiffs, WALTER E. SAHM and PATRICIA SAHM, by and through their undersigned  
counsel, pursuant to Florida Rule of Civil Procedure 1.500(a), hereby move for the entry of a  
Clerk's Default against Defendant, BERNSTEIN FAMILY REALTY, LLC, and as grounds in  
support thereof, state:

LAW OFFICES OF SWEETAPPLE, BROEKER & VARKAS, P.L.  
4800 N. FEDERAL HIGHWAY, SUITE D306, BOCA RATON, FLORIDA 33431

1. On September 18, 2018, Plaintiff filed their Second Amended Complaint for Foreclosure.

2. The Summons and Complaint were served upon Defendant, Bernstein Family Realty, LLC on September 20, 2018. (**See Exhibit 1**).

3. Florida Rule of Civil Procedure 1.500 governs the entry of defaults. Subsection (b) of this Rule states that:

**(a) By the Clerk.** When a party against whom affirmative relief is sought has failed to file or serve any document in the action, the party seeking relief may have the clerk enter a default against the party failing to serve or file such document.

4. To date, Defendant has failed to file a response to the Second Amended Complaint.

5. Accordingly, Plaintiffs' request entry of a Clerk's Default due to Bernstein Family Realty's failure to file or serve any paper in the within action.

**WHEREFORE**, Plaintiffs, WALTER E. SAHM and PATRICIA SAHM, respectfully request that this Court enter a Clerk's Default against Defendant, BERNSTEIN FAMILY REALTY, LLC.

Respectfully submitted,

SWEETAPPLE, BROEKER & VARKAS, PL  
4800 N Federal Hwy, Suite D306  
Boca Raton, Florida 33431  
Telephone: (561) 392-1230  
E-Mail:pleadings@sweetapplelaw.com

By: /S/ Robert A. Sweetapple  
ROBERT A. SWEETAPPLE  
Florida Bar No. 0296988  
BERKLEY SWEETAPPLE  
Florida Bar No. 112756

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished via the E-Filing Portal this 4th day of June, 2020 to: Eliot Ivan Bernstein, 2753 NW 34<sup>th</sup> St., Boca Raton, FL 33434, (iviewit@iviewit.tv); Brian O'Connell, Esq., and Ashley Crispin Ackal, Esq., O'Connell & Crispin, PLLC, 420 Royal Palm Way, Palm Beach, FL 33480 (boconnell@ocalawyers.com; acrispinackal@ocalawyers.com); 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-law, Fitzgerald & Rose, P; and Arose@Mrachek-law.com.

By: /S/ Robert A. Sweetapple  
ROBERT A. SWEETAPPLE  
Florida Bar No. 0296988

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

CASE NO.: 50-2018-CA-002317

WALTER E. SAHM and  
PATRICIA SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC and  
ALL UNKNOWN TENANTS.

Defendant

/

**SUMMONS**

**TO DEFENDANT: BERNSTEIN FAMILY REALTY LLC  
C/o DONALD R. TESCHER  
925 S. FEDERAL HIGHWAY  
SUITE 500  
BOCA RATON, FL 33432**

**IMPORTANTE/IMPORTANT**  
En Español Al Dorso/Français Au Verso  
**IMPORTANT**

A lawsuit has been filed against you. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached 2<sup>nd</sup> Amended Complaint in this Court. A phone call will not protect you; your written response, including the above case number and named parties must be filed if you want the Court to hear your case. If you do not file your response on time, you may lose the case, and your wages, money and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, located at: Palm Beach County Courthouse, Clerk of Courts, 205 North Dixie Highway, West Palm Beach, FL 33401, you must also mail or take a carbon copy or photocopy of your written response to the Plaintiff's Attorney named below:

EXHIBIT 1

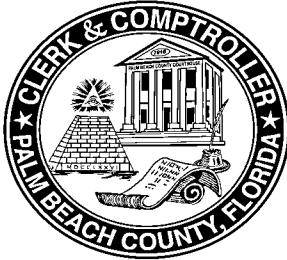
Plaintiff's Attorney: Robert Sweetapple, Esquire  
SWEETAPPLE, BROEKER & VARKAS, PL  
4800 N. Federeal Highway, Suite B105  
Boca Raton, Florida 33431  
Telephone: (561) 392-1230

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above named Defendant.

**Sep 20 2018**  
DATED on September 18, 2018.

(COURT SEAL)



SHARON R. BOCK,  
As Clerk of the Court  
By:   
As Deputy Clerk **JOSIE LUCCE**

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nobres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y prodria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado immediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il ya d'autres obligations juridiques et vous pouvez requérir les services d'un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

**RETURN OF SERVICE**

**State of Florida**

**County of Palm Beach**

**15th Circuit Court**

Case Number: 502018CA002317

Plaintiff:

**WALTER E. SAHM and PATRICIA SAHM**

vs.

Defendant:

**BERNSTEIN FAMILY REALTY, LLC and ALL UNKNOWN TENANTS**

For:

**Robert A. Sweetapple  
Sweetapple, Broker & Varkas, PL  
20 SE 3rd Street  
Boca Raton, FL 33432**

Received by Rock Legal Services & Investigations Inc on the 20th day of September, 2018 at 9:13 am to be served on Bernstein Family Realty LLC c/o Donald R. Tescher, 925 S. Federal Highway, Suite 500, Boca Raton, FL 33432.

I, Michael Gonedes, do hereby affirm that on the 20th day of September, 2018 at 4:31 pm, I:

Served the within named LLC by delivering a true copy of the **Summons and Second Amended Complaint for Foreclosure** with the date and hour of service endorsed thereon by me, to: **Donald R. Tescher as Registered Agent of Bernstein Family Realty LLC** at the address of **925 S. Federal Highway, Suite 500, Boca Raton, FL 33432**, and informed said person of the contents therein, in compliance with Federal Rules of Civil Procedure, Florida Statute 48.062 or other state statute as applicable.

Description of Person Served: Age: 65, Sex: M, Race/Skin Color: White, Height: 5'9", Weight: 175, Hair: Black, Glasses: Y

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true. I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the county in which service was effected in accordance with State Statutes.



ROC2018019893



Michael Gonedes  
Process Server 1980

**Rock Legal Services & Investigations Inc  
2048 Ponce De Leon Avenue  
West Palm Beach, FL 33407  
(561) 296-7574**

Our Job Serial Number: ROC-2018019893  
Ref: Sahm v. BERNSTEIN FAMILY REALTY, LLC and