

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, WEST PALM BEACH, FL 33401

Case Number: 4D22-262
LT No. 502018CA002317

JOSHUA ENNIO ZANDER BERNSTEIN, et al. ,

Appellants,

vs.

WALTER E. SAHM and PATRICIA SAHM, et al.,

Respondents.

**APPELLANTS MOTION FOR REINSTATEMENT OF THE APPEAL
UPON PAYMENT OF FEE**

COMES NOW, Appellants Joshua, Jacob and Daniel Berstein, by and through their undersigned counsel, Leslie Ann Ferderigos, who respectfully move this Court as follows:

1. This is a re-filed Motion for Reinstatement of Appeal upon the payment of the \$300.00 Filing fee on this date March 4, 2022 upon

receipt of the 4th DCA Clerk's Notice to correct the Font to arial which has now been done.

2. Payment of the \$300.00 filing fee required by the applicable rule of procedure and Section 35.22(2)(a), Florida Statutes has now been completed as of this date, March 4th, 2022 and was paid via the E-Filing Portal.
3. Appellants respectfully pray for Reinstatement of the Appeal so the case may be fully heard on the merits.
4. There has been an Order Holding this Appeal Case in Abeyance Per R. 9.020(h)(2)(C) since 1-26-22 as there is a motion pending in the Trial Court for rehearing under Florida Rule 1.530 and the Trial Court has not yet ruled on the pending motion to Vacate the Judgment of Foreclosure.
5. Appellants have very strong merits to their Appeal for many reasons including but not limited to the failure of the Respondents- Plaintiffs below to name, properly Summon and Serve and join the Appellants in the action as Indispensable parties being owners of the property through their Trusts which owned the LLC that entered into the Note and Mortgage with Plaintiffs further involving lack of personal

jurisdiction over them and other jurisdictional defects in the Complaint itself, the Summary Judgment process and the Final Judgment which should render the present Judgment below void.

6. The Appellants now seek to have this Appeal fully reinstated so the case may be heard on the merits in the event the Judgment is not Vacated during the Rehearing process.
7. Under the circumstances of the pending Rehearing below and abeyance in this Court the Respondents-Plaintiffs are not prejudiced by this reinstatement as there has been no Briefing Schedule given the Order of abeyance and Plaintiffs already face an Appeal from one of the other Defendants below which is also presently held in abeyance due to the pending 1.530 rehearing motions.
8. Counsel acknowledges and is aware of the duties and prior Orders of this Court.

WHEREFORE, it is respectfully prayed for an Order Reinstating the Appeal and for such other and further relief as may be just and proper.

CERTIFICATE OF SERVICE

WE DO CERTIFY, that a copy of the foregoing has been furnished electronically with the Clerk of Courts by using the E-PORTAL system to all parties of record in the pending case to include: ROBERT SWEETAPPLE, ESQ. bsweetapple@sweetapplelaw.com.

Dated: 3-4-2022

/s/Leslie Ferderigos
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