



## Electronically Certified Official Record

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### DOCUMENT INFORMATION

<b>Agency Name:</b>	Clerk of the Circuit Court & Comptroller, Palm Beach County
<b>Clerk of the Circuit Court:</b>	The Honorable Joseph Abruzzo
<b>Date Issued:</b>	10/24/2022 1:49:35 PM
<b>Unique Reference Number:</b>	BAA-CACBBGBBBIDICF-BCAJJ-CACCAAAGIFF-BEFDHF-E
<b>Instrument Number:</b>	20220006855
<b>Requesting Party Code:</b>	20211611183825

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### CERTIFICATION

Pursuant to Sections 90.955(1) and 90.902(1), Florida Statutes, and Federal Rules of Evidence 901(a), 901(b)(7), and 902(1), the attached document is electronically certified by The Honorable Joseph Abruzzo, Clerk of the Circuit Court & Comptroller, Palm Beach County, to be a true and correct copy of an official record or document authorized by law to be recorded or filed and actually recorded or filed in the office of the Clerk of the Circuit Court & Comptroller, Palm Beach County. The document may have redactions as required by law.

### HOW TO VERIFY THIS DOCUMENT

This document contains a Unique Reference Number for identification purposes and a tamper-evident seal to indicate if the document has been tampered with. To view the tamper-evident seal and verify the certifier's digital signature, open this document with Adobe Reader software. You can also verify this document by scanning the QR code or visiting <https://appsgp.mypalmbeachclerk.com/Services/EcertifyService/Helper/VerifyImage.html>.

\*\*The web address shown above contains an embedded link to the verification page for this particular document.



Public Records of Palm Beach County, Florida, does not constitute a valid lien on the described property.

YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION 222.01 ET SEQ., FLORIDA STATUTES, THAT WITHIN 45 DAYS AFTER THE MAILING OF THIS NOTICE YOU MUST FILE AN ACTION IN THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, FOR A DECLARATORY JUDGMENT TO DETERMINE THE CONSTITUTIONAL HOMESTEAD STATUS OF THE SUBJECT PROPERTY OR TO FORECLOSE YOUR JUDGMENT LIEN ON THE PROPERTY AND RECORD A LIS PENDENS IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED. YOUR FAILURE TO SO ACT WILL RESULT IN ANY BUYER OR LENDER, OR HIS OR HER SUCCESSORS AND ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF SALE OR LOAN COMMITMENT TO TAKE FREE AND CLEAR OF ANY JUDGMENT LIEN YOU MAY HAVE ON THE PROPERTY.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Owner's Address

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by: \_\_\_\_\_, who personally known to me, or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Signature

**Notary Seal**

\_\_\_\_\_  
Notary Printed Name

Commission Number: \_\_\_\_\_

Commission Expiration: \_\_\_\_\_

\_\_\_\_\_  
Space below reserved for Clerk's Certificate of Mailing:

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.

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK, 12/23/2021 10:36:05 AM



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. Sahm and Patricia Sahm, 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
<b>TOTAL:</b>	<b>\$353,574.68</b>

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.

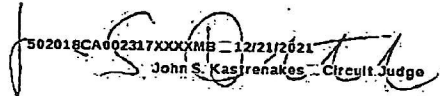
**IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST 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](mailto:pleadings@sweetapplelaw.com))

Eliot Ivan Bernstein, 2753 NW 34<sup>th</sup> St., Boca Raton, FL 33434 ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))

Brian O'Connell, Esquire, O'Connell & Crispin, PLLC, 420 Royal Palm Way, Palm Beach, FL 33480 ([boconnell@ocalawyers.com](mailto: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](mailto:Csabol@sabollaw.com))

Alan B. Rose, Esquire, Mrachek-law, Fitzgerald & Rose, PL ([ARose@Mrachek-law.com](mailto:ARose@Mrachek-law.com))

Select Year: 2024 ▼

## The 2024 Florida Statutes (including 2025 Special Session C)

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Title XV  
HOMESTEAD AND  
EXEMPTIONS

Chapter 222  
METHOD OF SETTING APART HOMESTEAD AND  
EXEMPTIONS

[View Entire  
Chapter](#)

### **222.01 Designation of homestead by owner before levy.—**

(1) Whenever any natural person residing in this state desires to avail himself or herself of the benefit of the provisions of the constitution and laws exempting property as a homestead from forced sale under any process of law, he or she may make a statement, in writing, containing a description of the real property, mobile home, or modular home claimed to be exempt and declaring that the real property, mobile home, or modular home is the homestead of the party in whose behalf such claim is being made. Such statement shall be signed by the person making it and shall be recorded in the circuit court.

(2) When a certified copy of a judgment has been filed in the public records of a county pursuant to chapter 55, a person who is entitled to the benefit of the provisions of the State Constitution exempting real property as homestead and who has a contract to sell or a commitment from a lender for a mortgage on the homestead may file a notice of homestead in the public records of the county in which the homestead property is located in substantially the following form:

#### NOTICE OF HOMESTEAD

To: (Name and address of judgment creditor as shown on recorded judgment and name and address of any other person shown in the recorded judgment to receive a copy of the Notice of Homestead.)

You are notified that the undersigned claims as homestead exempt from levy and execution under Section 4, Article X of the State Constitution, the following described property:

\_(Legal description)\_

The undersigned certifies, under oath, that he or she has applied for and received the homestead tax exemption as to the above-described property, that            is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from \_(date)\_ to the date of this Notice of Homestead. Further, the undersigned will either convey or mortgage the above-described property pursuant to the following:

\_(Describe the contract of sale or loan commitment by date, names of parties, date of anticipated closing, and amount. The name, address, and telephone number of the person conducting the anticipated closing must be set forth.)

The undersigned also certifies, under oath, that the judgment lien filed by you on \_(date)\_ and recorded in Official Records Book       , Page       , of the Public Records of        County, Florida, does not constitute a valid lien on the described property.

YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION 222.01 ET SEQ., FLORIDA STATUTES, THAT WITHIN 45 DAYS AFTER THE MAILING OF THIS NOTICE YOU MUST FILE AN ACTION IN THE CIRCUIT COURT OF        COUNTY, FLORIDA, FOR A DECLARATORY JUDGMENT TO DETERMINE THE CONSTITUTIONAL HOMESTEAD STATUS OF THE SUBJECT PROPERTY OR TO FORECLOSE YOUR JUDGMENT LIEN ON THE PROPERTY AND RECORD A LIS PENDENS IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED. YOUR FAILURE TO SO ACT WILL RESULT



IN ANY BUYER OR LENDER, OR HIS OR HER SUCCESSORS AND ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF SALE OR LOAN COMMITMENT TO TAKE FREE AND CLEAR OF ANY JUDGMENT LIEN YOU MAY HAVE ON THE PROPERTY.

This day of , 2 .

\_\_\_\_\_  
(Signature of Owner)

\_\_\_\_\_  
(Printed Name of Owner)

\_\_\_\_\_  
(Owner's Address)

Sworn to and subscribed before me by who is personally known to me or produced as identification, this day of , 2 .

Notary Public

(3) The clerk shall mail a copy of the notice of homestead to the judgment lienor, by certified mail, return receipt requested, at the address shown in the most recent recorded judgment or accompanying affidavit, and to any other person designated in the most recent recorded judgment or accompanying affidavit to receive the notice of homestead, and shall certify to such service on the face of such notice and record the notice. Notwithstanding the use of certified mail, return receipt requested, service shall be deemed complete upon mailing.

(4) A lien pursuant to chapter 55 of any lienor upon whom such notice is served, who fails to institute an action for a declaratory judgment to determine the constitutional homestead status of the property described in the notice of homestead or to file an action to foreclose the judgment lien, together with the filing of a lis pendens in the public records of the county in which the homestead is located, within 45 days after service of such notice shall be deemed as not attaching to the property by virtue of its status as homestead property as to the interest of any buyer or lender, or his or her successors or assigns, who takes under the contract of sale or loan commitment described above within 180 days after the filing in the public records of the notice of homestead. This subsection shall not act to prohibit a lien from attaching to the real property described in the notice of homestead at such time as the property loses its homestead status.

(5) As provided in s. 4, Art. X of the State Constitution, this subsection shall not apply to:

- (a) Liens and judgments for the payment of taxes and assessments on real property.
- (b) Liens and judgments for obligations contracted for the purchase of real property.
- (c) Liens and judgments for labor, services, or materials furnished to repair or improve real property.
- (d) Liens and judgments for other obligations contracted for house, field, or other labor performed on real property.

**History.**—s. 1, ch. 1715, 1869; RS 1998; GS 2520; RGS 3875; CGL 5782; s. 20, ch. 73-334; s. 2, ch. 77-299; s. 1, ch. 83-40; s. 1195, ch. 95-147; s. 25, ch. 2000-258; s. 17, ch. 2005-241.

This instrument prepared by:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Notice of Homestead

(Pursuant to Ch. 222.01 f.s.)

space above reserved for recording information

TO:
<i>Enter name and address of judgment creditor(s)</i>

TO:
<i>If applicable, enter name and address of any other person shown on the recorded judgment to receive a copy of the Notice of Homestead</i>

You are notified that the undersigned claims as homestead exempt from levy and execution under Section 4, Article X of the State Constitution, the following described property:

Legal Description (If description exceeds max characters allowed in this field, please attach as exhibit):

The undersigned certifies, under oath, that he or she has applied for and received the homestead tax exemption as to the above-described property, that \_\_\_\_\_ Enter Parcel ID number \_\_\_\_\_ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from \_\_\_\_\_, \_\_\_\_\_ to the date of this Notice of Homestead. Further, the undersigned will either convey or mortgage the above-described property pursuant to the following:

Describe the contract for sale or loan commitment by date, names of parties, date of anticipated closing and amount. The name, address and telephone number of the person conducting the anticipated closing <b>must be set forth</b> :

The undersigned also certifies, under oath, that the judgment lien filed by you on \_\_\_\_\_, \_\_\_\_\_ and recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, of the \_\_\_\_\_