

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

Walter Sahm, and Patricia Sahm, CASE NO.: 50-2018-CA-002317-XXXXMB
-against-
Bernstein Family Realty, LLC et al.

**DECLARATION AND DESIGNATION OF HOMESTEAD AFTER LEVY
FLORIDA STATUTES Sec. 222.02**

TO:

PALM BEACH COUNTY FORECLOSURE OFFICER Palm Beach Clerk

CREDITOR: Walter Sahm, Patricia Sahm, Charles Revard as Guardian of Patricia
A. Sahm, % SWEETAPPLE, BROEKER & VARKAS, P.L.

Attorneys for Plaintiff

4800 N. Federal Hwy., Suite D306

Boca Raton, Florida 33431-3413

Tel.: (561) 392-1230

E-Mail: Pleadings@Sweetapplelaw.com

Levy Case No. 50-2018-CA-002317-XXXX-MB

SAHM, WALTER E V BERNSTEIN FAMILY REALTY LLC

PLEASE TAKE NOTICE that the undersigned Eliot Bernstein and Candice
Bernstein of 2753 NW 34th Street, Boca Raton, Florida 33434, being duly sworn
declare under oath and penalties of perjury as follows:

1. That, I, Eliot Bernstein and I, Candice Bernstein, are a legally married
couple being lawfully married in Orange County in the State of California in
a Civil ceremony in January of 1997 and remain lawfully married to this
date.

2. That we are both natural persons under the law of Florida and are both Citizens of the United States and have been continuously citizens and residents of Florida since on or about August of 2008.
3. That we make this Declaration and Designation of Homestead under Florida Statutes Sec. 222.02 and seek Homestead Protection against Forced Sale under the Florida Constitution, Art. X, § 4(a)(1), Fla. Const. Of our home at 2753 NW 34th Street, Boca Raton, Florida 33434.
4. That this Declaration and Designation of Homestead is timely under law before the last day scheduled for Forced Sale and is timely under FS Sec. 222.02.
5. That we do not seek Florida Homestead Tax Exemption and only seek Florida Homestead Protection against Forced Sale as granted by the Florida Constitution and Florida law.
6. That we are the beneficial owners of the real property, home and dwelling and it was known and acknowledged by Walter and Patricia Sahm that this residence and real property was our "home" since the outset and such property and dwelling has always been our home and lived as a family together with our 3 sons Joshua, Jacob and Daniel Bernstein who were minors at the time we first occupied the home in August of 2008.
7. That both of our Florida Driving Licenses are issued in the property address of our Homestead 2753 NW 34th Street, Boca Raton, Florida 33434.
8. That the official title of the home, dwelling and real property was specifically done as Asset Protection and for the use and enjoyment and protection of the Eliot Bernstein family for life including Candice Bernstein, Joshua Bernstein, Jacob Bernstein and Daniel Bernstein as beneficial owners for life.

9. That the dwelling, residence, real property home we have Florida Homestead rights in is Described below and we designate such real property, residence, home and dwelling as our Homestead being that property at 2753 NW 34th Street, Boca Raton, Fl 33434 as follows:

Warranty Deed and Indenture signed by Walter and Patricia Sahm on June 18, 2008
Prepared by and return to: John M. Cappeller, Jr. by Florida Title and Closing Co.
Recorded 06-26-2008 at BK 22723 PG 0689-0690

PARCEL IDENTIFICATION NO. 06-42-47-10-02-007-0680 being that same parcel and tract of land at

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.

And as more specifically described in the attached Warranty Deed.

10. That we have resided in such residence, dwelling and real property as our primary residence and only home in the State of Florida and anywhere being situated in the County of Palm Beach in Boca Raton and have permanently, notoriously and continuously since on or about August of 2008 to the present.
11. That Walter and Pat Sahm issued a handwritten letter to Eliot Bernstein on September 22, of 2013 and such handwritten letters are recorded in the files of the foreclosure case since at least on or about April of 2022.
12. That our rights to Homestead and to use, occupy and enjoy the home is further supported by Sworn Statements of William Stansbury also in the record of the foreclosure case since on or about March 30, 2022.
13. That we have contributed to the upkeep and maintenance of our home consistent with Homestead Protected use by paying City Water, City Garbage, improvements and repairs including Air conditioning, pool pumps, yard maintenance, payment of electricity and other services and continue in such upkeep and maintenance,

14. That this is the only home and dwelling we have resided in since on or about August 2008 and have occupied continuously as a married couple and family.
15. That under Florida Constitution and law it does not designate how title to the property is to be held and it does not limit the estate that must be owned, i.e., fee simple, life estate, or some lesser interest. Moreover, it does not define the nature of the dwelling that may constitute a "residence" for Homestead Protection.
16. That under the Florida Constitution and law actual 'family' occupancy and the intention to continue occupying the home have been held to be the key qualifications for homestead status and the protections deriving from that status under the Florida Constitution.
17. That we seek Homestead Protection against the Forced Sale of this Homestead property by Robert Sweetapple, SWEETAPPLE, BROEKER & VARKAS, P.L. Attorneys for Plaintiff and from the Palm Beach County Foreclosure Officer in Case No. 50-2018-CA-002317-XXXX-MB.

VERIFICATION

I, Eliot I. Bernstein, and I, Candice Bernstein, declare under oath and penalties of perjury that I have read the within Declaration and Designation of Homestead and am familiar with the contents therein and the same is true to my own knowledge except those matters upon information and belief and as to those matters I believe them to be true.

Dated: 4/11/25



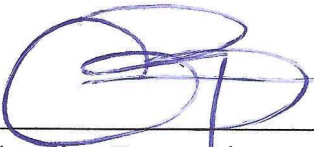
Eliot Bernstein

Sworn to and subscribed before me by Eliot Bernstein who is personally known to me or produced Driver License identification, this 11 day of April, 2025.




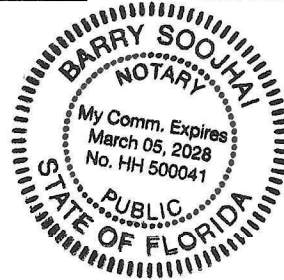
NOTARY PUBLIC

Dated: 4/11/25


Candice Bernstein

Sworn to and subscribed before me by Candice Bernstein who is personally
known to me or produced Driver License as identification, this
11 day of April, 2025 .


NOTARY PUBLIC





Prepared by and return to:
John M. Cappeller, Jr.

Florida Title & Closing Co.
350 Camino Gardens Blvd. Suite 303
Boca Raton, FL 33432
561-392-3636
File Number: FT08-087
Will Call No. 159

CFN 20080241510
OR BK 22723 PG 0689
RECORDED 06/26/2008 09:06:17
Palm Beach County, Florida
AMT 360,000.00
Doc Stamp 2,520.00
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0689 - 690; (2pgs)

Parcel Identification No. 06-42-47-10-02-007-0680

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 18th day of June, 2008 between **Walter E. Sahm and Patricia Sahm**, his wife whose post office address is **8230 SE 17th Winterthur Loop, The Villages, FL 32162** of the County of **Marion**, State of **Florida**, grantor*, and **Bernstein Family Realty, LLC**, a Florida limited liability company whose post office address is **950 Peninsula Corporate Circle, Suite 3010, Boca Raton, FL 33431** of the County of **Palm Beach**, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Palm Beach County, Florida**, to-wit:

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.

Subject to restrictions, reservations and easements of record and taxes for the year 2008 and thereafter

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

DoubleTime®

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Angela Lawrence

Witness Name: Dee Dee Sumter

x Walter E. Sahm (Seal)
Walter E. Sahm

x Patricia A. Sahm (Seal)
Patricia Sahm

State of Florida

County of Sumter

The foregoing instrument was acknowledged before me this 18 day of June, 2008 by Walter E. Sahm and Patricia Sahm, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]



Kelly Wilkins
Notary Public

Printed Name: Kelly Wilkins

My Commission Expires: 4-21-12