

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.

Defendants

OBJECTIONS TO SALE

**BY BERNSTEIN FAMILY REALTY, LLC, ELIOT BERNSTEIN, CANDICE
BERNSTEIN, JOSHUA BERNSTEIN, JACOB BERNSTEIN, DANIEL
BERNSTEIN**

COMES NOW Eric Cvelbar, attorney for BFR, LLC, Eliot, Candice, Joshua, Jacob and Danile Bernstein who respectfully shows this Court as follows:

1. I am the attorney for Bernstein Family Realty, LLC and Eliot, Candice, Joshua, Jacob and Danny Bernstein individually and file these Objections to the Certificate of Sale issued 9-24-25 (DE No. 435) as Amended 9-29-25 (DE No. 439) all which flow from an illegal Omnibus Order Resetting the Sale issued on 9-17-25 under DE No. 432.

2. Objection is made as to the grossly inadequate Sales price of \$375,000.00 not only substantially below the Judgment amount claimed with fees but several hundred thousand below fair market value based upon current Zillow showing the Sales price between \$770,000.00 to nearly \$900,000.00. See attached Exhibit.
3. Objection is made as there appears to be a ‘straw buyer / bidder’ by way of one Stan Zimmerman according to Clerk Sale records found in DE No. 366 who is a common bidder in Palm Beach Foreclosure sales.
4. Objection is made as to irregularity of the Sale designed to enhance self dealing and fraud in the foreclosure case involving Joanna Sahm, Robert Sweetapple and others.
5. Objection is made as the Notice of Sale published by Robert Sweetapple under DE No. 319 on March 11, 2025 and further DE No 363 on 04/10/2025 PROOF OF PUBLICATION both are falsely in the name of Walter E. Sahm who died on or about January 5, 2021 as known to Robert Sweetapple, Joanna Sahm, and Charles Revard knowing that a Deceased person can not maintain a lawsuit under Florida law and can not hold a Final Judgment of Foreclosure and can not publish their name to the public as if alive when known to be deceased.

6. Objection is made as to the Certificate of Sale itself issued by the Clerk under DE No. 435 on September 24, 2025 and Amended Certificate of Sale issued under DE No. 439 on September 29,, 2025 falsely in the name of Walter Sahm as if alive when known to be deceased.
7. Objection is made as to due process violations, ex parte contacts, misconduct, missing Witnesses from hearings, necessary witnesses missing from hearings, necessary parties like Ted Bernstein and the Estate and Trusts of Simon and Shirley Bernstein not being added as defendants, further missing witnesses including William Stansbury, Notaries of Patricia
8. Sahm, Sr, Patty Sahm, Jr, Alan Rose, Robert Sweetapple, Kevin Hall the Weppeneers, Inger Garcia and other witnesses that render the proceedings incomplete and Constitutionally infirm.
9. Objection is made as the Trial Court Judge Parnofelio has been acting in excess of his jurisdiction and should have been mandatorily disqualified on prior applications and has issued Orders and rulings in violation of law and due process.
10. Objections are made as evidence “in the record” but not admitted into evidence like the 2013 handwritten letters of Walter and Patricia Sahm should be “in evidence” and show Ted Bernstein should have been a defendant and is a necessary party.

11. Objections are made as both these handwritten letters of Walter and Patricia Sahm are consistent with the affidavit of William Stansbury as both show a dedicated income stream was present that should have paid off the Private Note between friendly business associates back in 2013 instead of the wrongful foreclosure focused on BFR, LLC and the Eliot Bernstein individual family.

12. Objections are made as William Stansbury's affidavit shows the same dedicated income stream as confirmed by Walter and Patricia Sahm that should have paid off the friendly private Note in 2013 but instead has been collusion between Robert Sweetapple's office and Alan Rose for Ted Bernstein who wrongfully have withheld and blocked funds to settle under prior terms where Walert Sahm agreed to settle for \$200K through attorney Capeller and not Sweetapple where the record shows collusion between Sweetapple and Rose in the Nov. 22, 2021 Summary Judgment Transcript never properly heard before this Court.

13. Objections are made for Joshua and Jacob Bernstein who were never properly served or before this Court.

14. Objections are made as Robert Sweetapple admitted in March of 2020 on official Transcript in the Record that BFR, LLC was not properly served and

would re-serve but never did and instead falsely filed an outdated known bad service and thus no jurisdiction over BFR, LLC.

15. Objections are made for lack of due process and violation of 15th Judicial Administrative Orders as the Case Management Order issued by Judge Parnofelio on August 21, 2025 failed to afford the Bernstein related defendants the 5 day notice period for an alternate proposed order where Bernstein defendants were seeking necessary discovery and certifications from Robert Sweetapple and Inger Garcia where Inger Garcia's deposition ordered by the Court is not in the record and Robert Sweetapple's deposition never taken.

16. Objections are made as the Final Judgment of Foreclosure was illegally issued in the name of Deceased Walter Sahm as if alive where Robert Sweetapple did not Serve Attorney Leslie Ferderigos for Joshua, Jacob and Daniel Bernstein, did not serve Candice Bernstein, falsely claimed the Judgment was on consent when not on consent and falsely entered attorneys fees without a hearing where Billing records and retainers have never been produced by Robert Sweetapple's firm.

17. Objection is made as Judge Parnofelio has been aware since improperly issuing a Charging Lien in favor of Inger Garcia without a hearing after finding her in fraud on the Court and Elder Abuse also knew in Par. 7 of her

withdrawal motion as follows: Paragraph 7 of Inger's March 17, 2025 Emergency Motion to Withdraw - "The undersigned will provide the proof of fraud to the relevant courts as she remains convinced that the plaintiffs are the only ones who committed any wrongdoing in this case as well as all the other cases involved related to this matter."

18. Ms. Garcia has specifically stated she can prove fraud in the Guardianship against Pat Sahm Sr. and in the related Bankruptcy cases but this Court has yet to grant proper hearings and opportunity to new counsel to file proper motions upon necessary discovery.
19. Objection is made as Judge Parnofelio has not compelled Ms. Garica forward as a licensed attorney claiming to have knowledge of fraud and the innocence of the Bernstein related defendants and further improperly proceeded to a Case Management held at a UMC without her present.
20. Objection is made as in the Omnibus Order that improperly reinstated the Sale was based on conduct of Judge Parnofelio improperly acting outside his jurisdiction on matter exclusively for the US Bankruptcy an federal Courts by wrongfully finding Eliot Bernstein's filing in Chapter 13 violated a Bankruptcy Order where Judge Parnofelio has no jurisdiction, used clearly wrong facts and dates and improperly and illegally applied State law to a

matter exclusive to Bankruptcy law where the Bankruptcy case is on Appeal at the US District Court.

21. Objection is made as Judge Parnofelio is mandatory disqualified as a Witness by proclaiming matters wholly outside the record regarding the Foreclosure Clerk and how the Sale was canceled when no statement is before the Court by the Foreclosure Clerk where the Palm Beach Clerk's office also has in house counsel.
22. Objection is made as the Order reinstating the Sale under DE No 432 improperly claims the rulings were "agreed" to when Counsel was misled by Cynthia Miller that only "Scheduling" was to occur on September 10, 2025 yet the Court moved right to decision making and ruling and disregarded my statement that appeals were pending and Discovery was needed.
23. This Order resetting Sale under DE No. 432 is void and a nullity for violating Florida Rules of Appellate Procedure 9.130(f) as neither the Plaintiffs nor the Trial Court sought leave of the 4th District Court of Appeals for such rulings which provides "(f) Stay of Proceedings. In the absence of a stay, during the pendency of a review of a nonfinal order, the lower tribunal may proceed with all matters, including trial or final hearing, except that the lower tribunal may not render a final order disposing of the cause pending such review absent leave of the court."

24. Judge Parnofelio was expressly aware that Appeals were pending of his Non Final Order issued March 6, 2025 under DE No. 314 at the time the Trial Court issued DE No. 432 purporting to simply “reinstate” a prior Sale without a hearing.

25. BFR, LLC not only has this Appeal still pending under Case No. 4D2025-1033 but was granted a 30 day extension to file the initial brief on Sept. 29, 2025 and the Eliot Bernstein family individual defendants had their appeal pending of the March 6, 2025 Order as of Sept. 17, 2025 under Case No. 4D2025-0996. See Status filing DE No. 442.

26. The case law from the 4th DCA and other District Courts of Appeals are clear that even if an Appeal is later dismissed or denied there is no jurisdiction of the Trial Court to rule on these issues if the Appeals are pending at the time of the ruling unless the parties or Trial Court seeks leave of the District Court of Appeals.

27. The Bernstein family's individual appeals were dismissed after this Trial Court's ruling on 9-17-25 and reinstatement is pending for an error in jurisdiction determination for the dismissal. See DE No. 442.

28. As the individual Bernstein family defendants showed the 4th DCA, “However, Appellants had made it clear in a prior extension motion filed on or about July 10, 2025 in this case and docketed July 11, 2025 that it was

appealing that part of the Sanction Order of March 6, 2025 “that strikes all their pending motions including a motion to vacate under Rule 1.540 and motion to dismiss for lack of jurisdiction and improper service and other motions that were not heard but instead Struck as Sanctions where Ms. Garcia was solely in control of the strategy and conduct of the Trial.” See, Paragraph 19, Appellants Extension Motion docketed July 11, 2025. This Court does have jurisdiction under “Florida Rule 9.130(a)(5) Orders entered on an authorized and timely motion for relief from judgment are reviewable by the method prescribed by this rule” as the Trial Court’s Order decided and struck without a hearing or affording due process opportunity to be heard the Appellants’ timely motions for relief from judgment under Florida Rule 1.540.”

29. Objections are made as Judge Parnofelio has repeatedly made factual findings based on presumptions without substantial or competent evidence or causal connection and specifically made improper findings on the Homestead petition by Candice and Eliot Bernstein without affording an opportunity to submit additional evidence or clarify especially where Judge Parnofelio himself has created the extortionate atmosphere with their own prior attorney Garcia by in one hand finding her in fraud then giving a Charging Lien with no hearing and grossly departing from law of Florida

and then disregarding his Judicial obligations when Inger Garciaa stated the following in Par. 7 of her withdrawal affidavit - Paragraph 7 of Inger's March 17, 2025 Emergency Motion to Withdraw - "The undersigned will provide the proof of fraud to the relevant courts as she remains convinced that the plaintiffs are the only ones who committed any wrongdoing in this case as well as all the other cases involved related to this matter."

30. Objections are made as the Trial Court's ruling taken on balance lack rational and logical basis and also show "prejudging" and prejudice' as Judge Parnofelio without any hearing "prejudged" that Ms Garcia had nothing to do with the Foreclosure part of the case only on fees when her statement as an officer of the Court says otherwise.

31. Objection is made as the "real party in interest" has never been determined properly as a factual matter and where Admissions against interests by Mr. Sweetapple from the Inger Garcia deposition alone are not before the Court and where many contradictory statements by Sweetapple and Joanna Sah have not properly been heard.

32. Objection is made as the Court never properly had any proper expert evidence before it in any determination in relation to Pat Sahm Sr and an out of state Urologist not licensed in Florida who can't remember how long he

saw Pat Sahm, Sr. or if he saw Pat Sahm, Sr is not sufficient for expert medical evidence standards.

33. Objection is made as Judge Parnofelio improperly allowed Ex Parte contact by Robett Sweetapple to correct the Certificate of Sale denying due process to the Bernstein related defendants and more egregious in a case of fraud allegations and such Amended Certificate is fraud where due process was denied by illegal ex parte communication.

34. See, Shahar v. Green Tree Servicing LLC, 125 So.3d251,253 (Fla. 4th DCA 2013) (“the trial court was correct to conclude that the borrower's unclean hands defense precluded foreclosure”)

35. From what I have seen of the Record the Trial Court Judge Parnoeflio has never once asked a question as to Mr. Sweetapple's misconduct from the outset and has repeatedly demonstrated prejudice in favor of Mr. Sweetappel such that a fair trial can not be had.

36. The ex parte actions of Sweetapple are similar to "Plaintiff emailed to the Court ex parte requests for entry of a new judgment. Rayburn v. Bright, 163 So.3d 735, 737 (Fla. 5th DCA 2015) held that "the October 30, 2013 letter was not a motion for rehearing." The judgment was entered ex parte without notice to Defendants and without jurisdiction and as a result of

non-administrative ex parte communications between Plaintiff and the Court” .

37. See, Stanley v. Greystone Medical Group, Inc., 952 So.2d 525, 526-27 (Fla. 2nd DCA 2006) held: “At the hearing on the motion for summary judgment, Greystone confined its argument to the contention that the 1996 judgment was the product of "procedural fraud" on the court because "a judgment entered without notice to a party is void." Greystone argued, and the trial court found that 'the failure to give a named party ... Greg Pilant, notice of the Motion for Summary Judgment, the Motion for Default Judgment or the Notices of Hearing thereon ... is tantamount to procedural fraud upon the Court.'" Pierce v. Tello, 868 So.2d 1253, 1254 (Fla. 4th DCA 2004) held: “We conclude that it was error for the trial judge to base her order suspending Pierce's contact with the child on an ex parte communication and that this resulted in a violation of due process. See Teeft v. Luna Cheese Corp, of Fla., 577 So.2d 1004, 1005 (Fla. 5th DCA 1991); Safe v. Safe, 414 So.2d 623 (Fla. 3d DC 1982).”(Italics added).

38. In re Inquiry Concerning a Judge: Clayton, 504 So. 2d 394, 395 (Fla. 1987). We are not here concerned with whether an ex parte communication actually prejudices one party at the expense of the other. The most insidious result of ex

parte communications is their effect on the appearance of the impartiality of the tribunal. The impartiality of the trial judge must be beyond question.”

39. In a case like this where neither Mr. Sweetapple nor Ms Garcia will certify or respond if all proper items have been entered into Ecaseview and the record and where both accuse each other of fraud and where the TRial Court wrongfully has used a “beyond a reasonable doubt standard” while knowing material witnesses and evidence are not before the Court rendering such a finding of beyond a reasonable doubt an impossibility and where the Trial Court has imposed matters “outside the record” relating to the Foreclosure Clerk and acting outside jurisdiction on matters exclusively in the Bankruptcy Court and federal jurisdiction, such ex parte conduct impugns the integrity of proceedings while denying due process to the Bernstein defendants and both the Certificate of Sale and as Amended should be struck upon hearing.

Respectfully submitted,

Dated: October 6, 2025

/ s/ Eric Cvelbar

Bar Number: 166499

Attorney for Bernstein Family Realty, LLC

Eric J. Cvelbar Esq.

1181 NW 57th St

Miami, FL 33127-1307

Office: 305-490-1830
ecvelbar@hotmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all parties requiring service were served electronically via the Florida ECourt filing portal on this 6th day of October, 2025.

Dated: October 6, 2025 / s/ **Eric Cvelbar**

Bar Number: 166499
Attorney for Bernstein Family Realty, LLC
Eric J. Cvelbar Esq.
1181 NW 57th St
Miami, FL 33127-1307
Office: 305-490-1830
ecvelbar@hotmail.com



Zestimate®

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\$855,000

2753 NW 34th St, Boca Raton, FL 33434

--beds

3baths

2,301 sqft

Est. refi payment: \$5,752/mo

[Refinance your loan](#)

SingleFamily

Built in 1978

9,147 Square Feet Lot

\$855,000 Zestimate®

\$372/sqft

\$6,596 Estimated rent

Home value

Zestimate®

\$855,000

Estimated sales range

\$778,000 - \$941,000

Rent Zestimate®

\$6,596/mo

Zestimate® history

Table view

+100% in last 10 years

\$857.8K

2016 2018 2020 2022 2024 \$400K \$500K \$600K \$700K \$800K \$900K

Estimated net proceeds

\$610,583

Est. selling price of your home

Est. remaining mortgage

Help

Est. prep & repair costs

Help

\$6,000

Est. closing costs

Help

\$73,695

Est. total selling costs (9%) \$79,695

All calculations are estimates and provided for informational purposes only. Actual amounts may vary.

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Comparable homes

These are recently sold homes with similar features to this home, such as bedrooms, bathrooms, location, and square footage.

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•

\$1,040,000

4 bd | 3 ba | 2.3k sqft

Boca Madera, Boca Raton, FL 33434

Sold



BEACHESMLS
BRANDON FLORIDA BOARD OF REALTORS®

MLS ID #RX-11114958, Peter Michael Blicharz, Serhant

•
\$965,000

4 bd | 3 ba | 2.3k sqft

3200 NW 29th Ave, Boca Raton, FL 33434

Sold



BEACHESMLS
Broward, Palm Beach & Lee Counties

MLS ID #F10492972, Nicholas Sproul, Southwestern Real Estate

•
\$1,200,000

4 bd | 3 ba | 2.6k sqft

3523 Pine Haven Circle, Boca Raton, FL 33431

Sold



BEACHESMLS
Real Estate Association of South Florida

MLS ID #RX-11101504, Gregory M Lynn, Lynn Realty Group

•

\$1,150,000

4 bd | 3 ba | 2.3k sqft

2491 NW Timbercreek Circle NW, Boca Raton, FL 33431

Sold



BEACHESMLS
BRONZE MEMBER, NATIONAL ASSOCIATION OF REALTORS®

MLS ID #RX-11078688, Michael A Luzzi, RE/MAX Services

•
\$1,133,000

3 bd | 3 ba | 2.1k sqft

Glen Oaks, Boca Raton, FL 33434

Sold



BEACHESMLS
Real Estate Network of South Florida

MLS ID #RX-11098047, Antonio M Eckert, RPE Realty

[Skip to the beginning of the carousel](#)

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Comparative value

Here's how this home's value estimate compares to similar homes nearby.

1

2

3

4

5

\$850k \$1.05m \$1.25m

Owner options

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Est. payment

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Learn how to do it

Sell it yourself

Take full control of how buyers see your home on Zillow by listing For Sale by Owner (FSBO).

List your home

What's special

Property backs up to Saint Andrews School. Completely Gutted and Remodeled in Florida Pastel colors 2009, marble and bamboo floors, courtesy Shirley Bernstein Designs. Tiled backyard with swimming pool. Tiled drive. Neighborhood Description This home backs up to one of the nations leading Private Schools, Saint Andrew's School. <http://www.saintandrews.net>

Show more

Facts & features

Interior

Bedrooms & bathrooms

- Bathrooms: 3

Heating

- Forced air

Cooling

- Central

Features

- Flooring: Other
- Has fireplace: Yes

Interior area

- Total interior livable area: 2,301 sqft

Property

Parking

- Parking features: Garage

Features

- Exterior features: Stucco

Lot

- Size: 9,147 sqft

Details

- Parcel number: 06424710020070680

Construction

Type & style

- Home type: SingleFamily

Materials

- masonry
- Roof: Tile

Condition

- Year built: 1978

Community & neighborhood

Location

- Region: Boca Raton

HOA & financial

HOA

- Has HOA: Yes
- HOA fee: \$105 monthly

Show more

Services availability

Price history

Date	Event	Price
6/26/2008	Sold	\$360,000 \$156/sqft

Source: Public Record [Report a problem](#)

Public tax history

Year	Property taxes	Tax assessment
2024	\$10,678 +6%	\$572,484 +10%
2023	\$10,073 +9.9%	\$520,440 +10%
2022	\$9,167 +12.2%	\$473,127 +10%
Show more		

Mr. and Mrs. Eliot Bernstein
2753 N.W. 34th St.
Boca Raton, FL. 33434

Re. Settlement of Mortgage between
Sahm Revocable Trust and Bernstein family
Realty, LLC.

Dear Candace and Eliot,

As we discussed on our phone call
Friday, Oct. 11, 2019, we would hope that,
somehow, Walt and Pat Sahm would receive
a Cashier's Check in the amount of \$200,000.00
in settlement of the amount owed to us for
the payment of the balloon balance plus,
attorney's fees, Palm Beach County Real Estate
taxes, and delinquent interest.

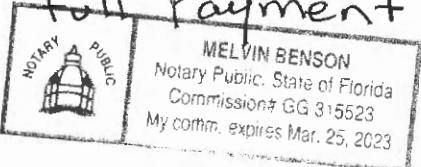
Please remit the check payable to:

Walter E. Sahm and Patricia A. Sahm
Revocable Family Trust

c/o John M. Cappeller Jr. Esq.
Cappeller Law

350 Camino Gardens Blvd. # 303
Boca Raton, FL. 33432

Should this payment not be mailed in a
timely manner, we will continue
forward with the suit to seek foreclosure
on the property just as we have been pro-
ceeding. We will not stop this suit until
full payment is received.



John M. Cappeller Jr.

Best regards,
Walter E. Sahm Jr.
Patricia A. Sahm, Trustee
Patricia A. Sahm,
Sahm Family Living Trust