

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 Charles Revard
As Guardian of PATRICIA SAHM,

Plaintiffs,

EMERGENCY MOTION:

**SECOND MOTION FOR
MANDATORY DISQUALIFICATION**

-against-

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS. Et al

Defendants.

EMERGENCY MOTION: 2ND MANDATORY DISQUALIFICATION

COMES NOW, Eric Cvelbar as Counsel of Record for the Petitioners Bernstein Family Realty LLC (BFR, LLC), Candice Bernstein, Joshua Bernstein, Jacob Bernstein and Daniel Bernstein, defendants and parties herein, and upon their attached Affidavits being duly Sworn under oath and penalties of perjury in

support of this 2nd Motion for by Emergency for Mandatory Disqualification of Judge Parnofello pursuant to Florida Statutes Sec. 38.10 and Florida Rules of Judicial Administration Rule 2.330, disqualification of trial judges, and states in good faith that Circuit Judge Parnofello has demonstrated prejudicial conduct and bias by objectively reasonable standards and committed other misconduct and violations of statutory authority, rules and duties such that the Petitioners have a reasonably objective fear that a fair trial can not be had before Judge Parnofiello who shall be mandatorily disqualified according to law based on the following:

1. I am the attorney of record for the Petitioners - Defendants Bernstein Family Realty LLC (BFR, LLC), Candice Bernstein, Joshua Bernstein, Jacob Bernstein and Daniel Bernstein,
2. I am a licensed attorney in the State of Florida in good standing and certify this Petition is brought in good faith under the laws and Constitution of Florida and the US Constitution.
3. Attached to this motion in support of the motion are the Affidavits of Candice Bernstein, Joshua Bernstein, Jacob Bernstein, and Daniel Bernstein as individual party defendants and either Manager or Members of BFR, LLC dated October 16, 2025 being sworn under oath and made in good faith and stating reasonable grounds to believe a fair trial can not be had before Judge Parnofelio.

4. This Petition and Emergency motion is timely filed within 20 days by Florida Rules of General Practice and Judicial Administration 2.330 of actions of Judge Parnofelio dated September 29, 2025 under DE No. 440 and other conduct since an initial motion for Mandatory Disqualification was Served on October 8, 2025 and a denial of such motion on October 9 2025 demonstrating bias, prejudice, violation of law and rules and due process and conduct that would lead any reasonable person to objectively believe a fair trial can not be had before Judge Parnofelio who must be mandatorily disqualified.
5. This motion is in writing, signed by the parties and sworn to under oath, made in good faith and states reasonable and objective grounds to demonstrate bias, prejudice and grounds for disqualification under law.
6. This is a second motion for mandatory Disqualification by BFR, LLC, Candice Bernstein, Joshua Bernstein, Jacob Bernstein and Daniel Bernstein and no prior Disqualifications have been granted in this case.
7. The motion is brought as an Emergency based on continuing violations of law and US and Florida Constitutional due process and the improper rushed process to imminently and unlawfully take over \$500,0000 in equity and property rightfully belonging to BFR, LLC and the Eliot Bernstein family defendants.

8. This comes after Judge Parnofelio wrongfully moved to an Omnibus Order while Appeals were pending and without hearing Inger Garcia as a former intern prosecutor and where Counsel herein has tried in a short time to get voluntary cooperation and yet is finding more “missing witnesses” and “missing evidence” not in the Trial record like attorney John Raymond who worked with Joanna Sahm and emailed Ms. Garcia in March of 2023 just weeks before a Guardianship Petition was filed against Pat Sahm, Sr. where Mr. Raymond stated Ms. Sahm was not in a Guardianship and **“does not need a guardian”** but none of this was in the Trial record and as Counsel I do not know why nor do my clients the Petitioners and defendants BFR, LLC and Eliot Bernstein family defendants individually. See Exhibit.
9. The Ex parte conduct and Order of Judge Parnofelio on September 29, 2025 itself is a sufficient basis to objectively believe a fair trial can not be had before him as not only was such conduct unauthorized and in violation of law, rules and codes it shows a hostile attitude toward the truth seeking process and direct denial of due process to the parties herein and a direct prejudice against their rights in favor of Robert Sweetapple and his law office and a determination to take property and equity without due process of law.

10. Judge Parnofelio and Robert Sweetapple knew and had actual knowledge that the party defendants here contest the Final Judgment as it was illegally entered in the name of Deceased Walter Sahm who was deceased at the time of the entry of the Judgment and both Robert Sweetapple know a deceased person can not maintain a lawsuit in the State of Florida nor take a Judgment as a deceased person.
11. Both Robert Sweetapple and Judge Parnofelio know or should know Mr. Sweetapple's authority to represent Walt Sahm terminated by law at the time of passing in January of 2021 yet this was concealed from the parties and Court by Mr. Sweetapple for over a year who has continued to pursue a void judgment against the Defendants.
12. Under any theory of law even assuming somehow Mr. Sweetapple was in fact lawfully continuing to represent Patricia Sahm, Patricia Sahm could not maintain suit in her deceased husband's name and both Mr. Sweetapple and Judge Parnofelio know and should know that not only is the Judgment falsely in Walt Sahm's name but Notice of Sale and publication falsely in his name tantamount to a fraud on the parties, fraud on the court and fraud on the public in the foreclosure sale process.
13. Perhaps Judge Parnofelio could have attempted to act sua sponte under Rule 1.530 but even this would not address the substantive rights to the defendant

parties in relation to the Judgment and Sale falsely being in Walt Sahm's name.

14. Mr. Sweetapple was not authorized to move Ex parte and should have moved under Rule 1.530 or Rule 1.540 giving a due process notice and opportunity to be heard to the defendants which never occurred even though both Mr. Sweetapple and Judge Parnofelio knew the defendants are on Appeal to the 4th DCA of the prior Order of March 6 2025 thus acting in violation of Florida Rules of Appellate Procedure 9.130(f).
15. The ex parte conduct is more egregious as it not only sought to substantively change a Certificate of Sale but also directing the Clerk to substantively act on a Certificate of Title as well all without notice or opportunity to be heard to the defendants denying them due process of law.
16. This is more egregious on September 29, 2025 when considering the history that the Court improperly moved forward on September 10, 2025 without Inger Garcia being present and without hearing her testimony and evidence as a former intern prosecutor that claimed in an official filing as an officer of the Court that she had evidence and believed the defendants were the innocent parties.
17. This action on September 29, 2025 ex parte is further egregious as Judge Parnofelio knew and has actual knowledge he used matters outside the

record on the critical factual issue involving the prior Cancellation of the Sale and actions by the Foreclosure Clerk who has not given a statement and not been heard again demonstrating bias and prejudice against Defendants and violating the Judicial Rules as Judge Parnofelio knew and should have known he should have voluntarily disqualified based on this outside knowledge and being a material witness as the fact issue is at the center of the proper hearing of resetting the sale.

18. FS Sec. 38.10 clearly provides, “Whenever a party to any action or proceeding makes and files an affidavit stating fear that he or she will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant or in favor of the adverse party, **the judge shall proceed no further, but another judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges for the trial of causes in which the presiding judge is disqualified.**”

19. Further, by Fl. R. Gen. Prac. Jud. Admin. 2.330 (h) Determination - Initial Motion. The judge against whom an initial motion to disqualify under subdivision (e) is directed ***may determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged.*** If any motion is legally insufficient, an order denying the motion shall immediately be

entered. *No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.* (emphasis added).

20. The prior mandatory motion was legally sufficient and Judge Parnofelio should already have disqualified.
21. Yet since October 9, 2025 he not only denied the first motion but has failed to voluntarily disqualify as a fact witness for over 5 days yet issued his Ex parte Order on September 29, 2025 within a few hours in favor of Mr. Sweetapple who has been charged in fraud that Judge Parnofelio refuses to hear.
22. In addition to my clients articulating an objective and reasonable fear that a fair trial can not be had before Judge Parnofelio, as counsel I can state in good faith as licensed practitioner that I also have an objective and reasonable fear that a fair trial can not be had before Judge Parnofelio based upon well grounded conduct as stated herein including but not limited to “threatening” or attempting to threaten and intimidate me from doing my duties as counsel in good faith in an adversarial system by suggesting I could be subject to Indirect Criminal Contempt charges merely for pursuing rights in good faith under the Constitution of the United States and State of Florida and statutory rights and under the Florida Civil Rules.
23. This is specifically reflected in DE No. 432 where Judge Parnofelio states

“ Given the Court’s other rulings, supra, the Court declines to institute separate indirect criminal contempt proceedings *at this time.*”

24. Judge Parnofelio specifically highlighted, italicized and underlined the words “at this time” which can reasonably and objectively be deemed a highly prejudicial threat for the mere practice of civil law in good faith and a threat against my practice and attempt to dissuade me from pursuing lawful rights for BFR, LLC and the Eliot Bernstein family individually in a case none other than I have seen before in all my years of practice.
25. This was in the Order of September 17, 2025 which makes this Emergency motion timely under law.
26. Judge Parnofelio knows and has actual knowledge I had only made 2 Court appearances at the Trial Court at that time and was still getting up to speed in a case that has gone on for nearly 7 years or more with a Record on Appeal that exceeds 5000 pages with Exhibits and Transcripts and sorting out missing items and where according to the Transcripts of the case even Judge Parnofelio himself had mentioned the voluminous records in the case on or about a Conference in September of 2024 after he had been Assigned the case as the 4th Judge and been on the case for a few months and I likewise had only been in the Trial Court case just over 45 days or so and had been diligently working in good faith professionally and collegially with adverse

Counsel to Meet and Confer and attempt to resolve certain issues voluntarily for judicial economy and even have reported this to the 4th District Court of Appeals..

27. Judge Parnofelio's conduct in this manner is even more egregious when it is crystal clear that he did not have a proper record and proper facts to base his rulings on in the first instance where there are numerous Material Witnesses who have never been heard such as William Stansbury, Notaries of Pat Sahm, Sr., former CBS I-Team Reporter who video tapes Pat Sahm, Sr., the Weppenens, Mr. Sweetapple himself, UPS Store worker, Patty Sahmm, Jr. Alan Rose, Ted Bernstein, Kevin Hall, Candice Bernstein and very importantly attorney **John Raymond, the Estate Attorney of Walter Sahm who was working directly with Joanna Sahm and specifically emailed Inger Garcia in March of 2023 that Pat Sahm, Sr. was not in a Guardianship and was not incapacitated. See Attached Email Exhibit which does not appear to have made it to the Record on Appeal.**

28. The threats of criminal action for properly asserting rights under law in a civil Court are even more egregious when considering Judge Parnofelio is a former Prosecutor who not only should know it was improper to use a "beyond a reasonable doubt" standard in DE No. 314 on March 6, 2025 but Judge Parnofelio has actual knowledge he never heard from multiple

witnesses including Kevin Hall who was present at the last hearing, had attempted to be heard in the case as an Intervenor and even messaged the Court during the last hearing in January of 2025 and who has no knowledge why he was never called as a witness.

29. The 4th DCA has ruled that acts outside the 20 day period for Disqualification can be relied upon to support the reasonable belief that a fair trial can not be had.
30. Judge Parnofelio knows or should know there is absolutely no evidence in the record of Trial or anywhere that he knew Patty Sahm Jr. was living with Pat Sahm, Sr when he called Patty Jr. nor any evidence of his purpose being to upset Pat Sahm, Sr as he did not know she was present during the initial calls nor that she was listening and the only suggestion otherwise which is false anyway would come from Mr. Sweetapple which makes him a Witness who should be Deposed as he was scheduled to be and BFR, LLC nor the Eliot Bernstein Defendants have no knowledge of why he was not deposed.
31. It does not pass basic legal muster or diligence to suggest a “beyond a reasonable doubt” finding when it is known material witnesses were never heard and this only supports prejudice and bias against BFR LLC and the Bernstein defendants that has now carried on to the current proceedings despite my efforts as Counsel to seek voluntary resolution of the issues.

**BIAS AND PREJUDICE OF TRIAL COURT PREJUDGING INGER
GARCIA EVIDENCE AND TESTIMONY BEFORE EVER BEING HEARD
SUPPORTING REASONABLE FEAR A FAIR TRIAL CAN NOT BE HAD
BEFORE UJGE PARNOFELIO**

32. More importantly, it was both read into the Record on September 10, 2025 and Judge Parnofelio has actual knowledge that Ms. Garcia as a licensed attorney former Intern Prosecutor had evidence of fraud and that the Bernstein family defendants and BFR LLO was innocent as Judge Parnofelio issued a Charging Lien Order without a Hearing based on her attorney statement **made after the finding of fraud against her on March 6, 2025.**

33. _As read into the Record on September 10, 2025 yet disregarded by Judge Parnofelio in the September 17, 2025 Omnibus Order Ms. Garcia had stated in writing to the Court in March 2025 as follows: "The undersigned 12 will provide the proof of fraud to the relevant 13 courts as she remains convinced that the plaintiffs 14 are the only ones who committed any wrongdoing in 15 this case, as well as all the other cases involved 16 related to this matter." See September 10, 2025 Transcript Page 8 and DE No. 323 and the Charging Lien Order DE No. 324.

34. The September 10, 2025 Transcript made it clear that the Bernstein Defendants had been placed in an extortionate position and were not able to

get Ms. Garcia to come forward and I stated to this Court the position that she needed to be compelled and the motions should not be decided without these matters being addressed.

This is why our position is not -- is nothing should
9 move forward without Ms. Garcia being compelled by
10 this Court to declare the fraud she asserts, as she
11 asserted in Paragraph 3 of her motion and not before
12 a deposition, which we want to take Ms. Garcia and
13 Mr. Sweetapple occurred. Mr. Sweetapple's
14 deposition was scheduled, but never occurred and we
15 have no idea why. And we can't find out why it
16 would've never occurred.

Ms. Garcia's deposition and Mr.
24 Sweetapple's deposition should be scheduled before
25 any rulings on any of the pending motions"

35. Canon 3(D)(2) directs that a judge who receives information or has actual knowledge that a substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action. **This Canon is mandatory, not hortatory.** The Florida Supreme Court stated: All Florida judges are, first and foremost, attorneys and

members of The Florida Bar. As such, Florida judges, just like every other Florida attorney, have an obligation to maintain the integrity of the legal profession and report to The Florida Bar any professional misconduct of a fellow attorney. 5-H Corporation v. Padovano, 708 So.2d 244 (Fla. 1997).

36. Judge Parnofelio has either totally prejudged Ms. Garcia's statement as an officer of the Court made after the Court's prior finding or has deliberately disregarded this statement in relation to the outstanding foreclosure issues.
37. Such prejudging is intolerable and highly prejudicial since Judge Parnofelio did not even hear Ms. Garcia's evidence yet issued a Charging lien in her favor without a hearing both which are highly prejudicial to the Bernstein defendants and support a reasonable belief that a fair trial can not be heard before Judge Parnofelio justifying mandatory disqualification.
38. These are issues of process and due process and this Trial Court has repeatedly denied due process to the Bernstein defendants.
39. From prior practice it appears Judge Parnofelio will wrongfully contest this application and claim Disqualification can not come from an adverse decision but this is not the Decision it is the process and denial of due process and the prejudice in the denial of due process especially when the Judge knows material witnesses have not been heard and missing exhibits are present and that as Counsel I have been trying since August 5, 2025 to

get cooperation from Mr. Sweetapple and Ms. Garcia in this case where both accuse the other of fraud.

40. The prejudice is shown in that Ms. Garcia's statement as an officer of the Court was not limited to attorney fees but to the entire case yet has denied the Bernstein defendants consideration of this witness before even being heard.
41. "Due process requires that a party be given the opportunity to be heard and to testify and call witnesses on the party's behalf ... and the denial of this right is fundamental error." *Minakan v. Husted*, 27 So.3d 695, 698 (Fla. 4th DCA 2010) (quoting *Petry v. Pettry*, 706 So.2d 107, 108 (Fla. 5th DCA 1998)). The opportunity to be heard must be "full and fair, not merely colorable or illusive." *Pelle v. Diners Club*, 287 So.2d 737, 738 (Fla. 3d DCA 1974) ("[W]e find that the trial court erred in failing to grant the appellant an opportunity to present his case-in-chief and, therefore, he was denied the protection afforded by the constitutional guarantee of due process of law."); see also *Walker v. Edel*, 727 So.2d 359, 360 (Fla. 5th DCA 1999) (finding a trial court's refusal to hear a party's defense was "clearly error which affected the issues before the court")." See, *Domnin v. Domnina*, No. 4D23-412 (Fla. Dist. Ct. App. May 24, 2023).

42. "The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially." *Livingston v. State*, 441 So.2d 1083, 1086 (Fla. 1983). In order to decide whether the motion is legally sufficient, "[a] determination must be made as to whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial." *MacKenzie v. Super Kids Bargain Store* 565 So. 2d 1332 (Fla. 1990).

**FURTHER DENIAL OF DUE PROCESS IN ISSUING CASE
MANAGEMENT ORDERS IN VIOLATION OF ADMINISTRATIVE
ORDER ON 5 DAY NOTICE AND THEN ADMITTING NOT CLEAR
BUT CONSTRUING WHOLLY AGAINST DEFENDANTS**

43. Judge Parnofelio even admitted on the Record on September 10, 2025 that the Case Management Order of August 21, 2025 may not have been clear yet wholly construed this against the Bernstein defendants when the language of the Order supported the Bernstein Defendants yet the Judge proceeded to falsely claim dilatory conduct without rationale consideration.

44. On September 10, 2025, the Court said, "I think I was as

22 clear as I could be, **which may not have been clear**

23 enough but I think I was as clear as I could be,

24 with respect to our last case management conference" September 10,

2025 Transcript.

45. Judge Parnofelio was sanctioning and hostile toward counsel for not filing a motion for an extension when the prior Case Management Order stated all deadlines would be extended if there was no Agreement on Meet and Confer and there was no agreement. See DE No. 429.
46. This was prejudicial as the Case Order began with meeting and conferring and Par. 3 states, “If the parties cannot agree on the production the parties will set Ms. Garcia’s Motion to Compel for hearing within two (2) weeks. **All deadlines will be continued pending the results of that hearing.** All deadlines in relation to this issue are continued pending this initial meet and confer and any ruling on the redaction and production issues.”
47. Yet before the Court issued this Order counsel expressly notified the Plaintiffs of the need for depositions and discovery before filing proper motions yet Judge Parnofelio violated the Administrative Order that gave Defendants 5 days Notice to issue an alternative proposed Order and instead Judge Parnofelio issued the Order in less than 24 hours not affording Defendants the right to be heard for proper Discovery and case management further supporting the reasonable belief that a fair trial can not be had especially when instead of correcting the confusion the Court takes negative sanction against the Bernstein defendants and counsel when admitting his own Order was not clear enough.

48. This is a pattern in the case where Judge Parnofelio acts contrary to the Bernstein defendants and not affording procedural due process as in the Charging Lien Order also issued without notice or opportunity to be heard by the Bernstein defendants. See DE NO. 323, 324.

JUDGE PARNOFELIO DISQUALIFICATION AS A WITNESS AND USING EVIDENCE AND KNOWLEDGE OUTSIDE THE RECORD ON MATERIAL ISSUE OF FORECLOSURE CLERK KNOWLEDGE

49. Canon 3 E provides (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

50. It is undisputed that the Foreclosure Clerk has not issued any statement in the Record nor called as a witness yet Judge Parnofeilio wrongfully and illegally made statements showing knowledge outside the Record and must be disqualified on this ground alone.

51. As shown in the September 10, 2025 Transcript, the Judge says: “And then there 10 was a bankruptcy filing, which was not in time, 11 which should not have ever canceled the foreclosure 12 sale. **But the clerk was not aware that the 13 litigants were prohibited from filing additional 14 bankruptcies.**” Transcript Page 19.

52. This clearly shows Judge Parnofelio acting outside the record in a manner prejudicial to the Bernstein defendants and without due process and disqualification must be issued.

53. There is no evidence in the Record for the Clerk and the Clerk has legal counsel in the office and issued the cancellation approximately over an hour after knowledge of the Suggestion of Bankruptcy.
54. This is a key factual issue wrongfully used against the Bernsteins to reinstate a Sale if there is even authority for such action.
55. Judge Parnofelio is a Witness and must be disqualified.
56. The Court is further aware that the Eliot Bernstein bankruptcy matters are on appeal in the US District Court.
57. This is just another example in the pattern of prejudice and bias and rush by Judge Parnofelio to favor Mr. Sweetapple and act adverse to the Bernsteins with knowledge of missing critical witnesses making the conduct more egregious as a Trial Judge and reasonable grounds to believe a fair trial can not be had.
58. Judge Parnofelio further wrongfully determined I as counsel stated there was no need for evidentiary hearings on the motions. I was present at the Conference on misled terms that there would only be scheduling and no decisions. This was Cynthia Miller's reason for not including Inger Garcia which I disagreed with and made this statement on the record. All I suggested at the end was the Court did not need further hearings in the

nature of Case Management to schedule the motions as that is why I was present and what I was led to believe, scheduling only.

59. 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.”

60. 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.

61. 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.

62. 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.
63. 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."

**IMPROPER EX PARTE CONTACT BETWEEN JUDGE
PARNOFELIO AND ROBERT SWEETAPPLE WHEN
SUBSTANTIVE RIGHTS AT ISSUE**

64. 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.
65. This further supports a reasonable fear a fair trial can not be had as Judge Parnofelio knows the Final Judgment and his Orders are wrongfully named in the name of Deceased Walter Sahm who can not proceed in litigation as a deceased party and this implicated substantive rights of the Defendants and shows further bias and prejudice.
66. 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”)
67. 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.

68. Taken as a whole it is clear and reasonable to believe that Judge Parnofelio is biased and prejudiced in favor of Robert Sweetapple, has denied due process to the Bernstein defendants, knowingly made findings without material and critical witnesses, and engaged in ex parte conduct when disqualification as a Witness should already have occurred using matters outside the record and making improper threats of criminal action for exercising standard civil rights in Florida and must now be disqualified.
69. ("[J]udicial comments revealing a determination to rule a particular way prior to hearing any evidence or argument have been found to be sufficient grounds for disqualification.") (emphasis added), with *Wargo v. Wargo*, 669 So. 2d 1123, 1125 (Fla. 4th DCA 1996) (granting prohibition where judge's remarks were made prior to hearing and "judge began to rule on the issues presented without even giving counsel a chance to present argument," thus "signal[ing] a predisposition, rather than an impression formed after reviewing the evidence "). See, *1440 Plaza, LLC v. New Gala Bldg., LLC*, 314 So. 3d 555 (Fla. Dist. Ct. App. 2020).
70. "A trial judge's announced intention before a scheduled hearing to make a specific ruling, regardless of any evidence or argument to the contrary, is the paradigm of judicial bias and prejudice." *Gonzalez v. Goldstein*, 633 So.2d 1183, 1184 (Fla. 4th DCA 1994) (granting a writ of prohibition where the

trial court told defense counsel before a scheduled resentencing hearing that he would not listen to any mitigation evidence and intended to resentence the defendant to the maximum period allowed under the guidelines).

Thompson v. State, 990 So. 2d 482, 490 (Fla. 2008)

**JUDGE PARNOFELIO PRIOR HISTORY OF EXCEEDING
JURISDICTION AND WRONGFULLY APPLYING STATE LAW TO
FEDERAL BANKRUPTCY ISSUES AND USING FALSE FACTS ALSO
SUPPORTS THE PRESENT MOTION**

71. The objective reasonableness of the current motion based on the egregious ex parte conduct of September 29, 2025 and failure to voluntarily recuse as a fact witness since October 9, 2025 is further supported by the recent history of Judge Parnofelio's improper Omnibus Order of September 17, 2025.
72. This Order shows Judge Parnofelio so determined and biased against the defendants that he exceeded his jurisdiction to wrongfully apply State law rules on dates to an exclusively Bankruptcy matter and then even used a false date on the calendar to arrive at his predetermined conclusion to find against the defendants herein
73. This occurred while knowing that Eliot Bernstein's bankruptcy matter is on appeal to the US District Court which recently accepted his Initial Brief and is proceeding on appeal.
74. The bias and prejudice against defendants is clear, reasonable and objective and disqualification must issue.

WHEREFORE, an immediate Order of Mandatory Disqualification of Judge Parnofiello should be issued by Florida Statute 38.10 and Rule and for such other and further relief as may be just and proper including Vacating Orders of Judge Parnofelio.

CERTIFICATE OF GOOD FAITH

I, Eric Cvelbar, attorney for the above named Petitioners - Defendants herein, hereby Certify that this motion is made in good faith and not frivolous under law.

Respectfully submitted,

Dated: October 16, 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 ON JUDGE PARNOFELIO

The undersigned hereby certifies that Judge Parnofiello was Served under law at CAD-DivisionAO@pbcgov.org and all parties requiring service were served

electronically via the Florida ECourt filing portal on this 17th day of October,
2025.

Dated: October 17, 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

RE: E/O Sahm

John Raymond <John.Raymond@nelsonmullins.com>

Mon 3/13/2023 4:20 PM

To: Inger Garcia, Esq. <serviceimglaw@yahoo.com>; Inger Garcia <attorney@floridapotlawfirm.com>; attorney@ingergarcia.com <attorney@ingergarcia.com>; Laura Doyle <laura.doyle@nelsonmullins.com>

Cc: Laura Doyle <laura.doyle@nelsonmullins.com>

You have your facts wrong Mrs Sahm is not under guardianship and does not need a guardian



JOHN J. RAYMOND **PARTNER**

john.raymond@nelsonmullins.com

251 ROYAL PALM WAY | SUITE 215

PALM BEACH, FL 33480

T 561.659.8661 F 561.659.8679

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Inger Garcia, Esq. <serviceimglaw@yahoo.com>

Sent: Monday, March 13, 2023 3:49 PM

To: Inger Garcia <attorney@floridapotlawfirm.com>; attorney@ingergarcia.com; Laura Doyle <Laura.Doyle@nelsonmullins.com>

Cc: John Raymond <john.raymond@nelsonmullins.com>; Laura Doyle <laura.doyle@nelsonmullins.com>

Subject: Re: E/O Sahm

John:

Please find an affidavit by William Stanberry, whom you are familiar, with in relation to both mortgages and he knew both Simon Bernstein and Walter Sahm. Also please find the Palm Beach dockets in relation to the felony against Patricia and the gun fight between the sisters and mom. Also find letters from Walter Sahm.

I need a copy forthwith of the pre-need guardianship documents that your client Johanna Sahm testified to in Federal Bankruptcy court, along with a copy of the POA from Patricia Sahm, Sr. to Johanna Sahm. I am filing in the foreclosure case and estate today seeking a guardian for Patricia Sahm and removal of Joanna Sahm as her guardian plus a dismissal for failure to substitute the estate of Walter Sahm timely and continuing to represent to the state court that Walter is alive and patricia Sahm is competent.

Please provide deposition dates for PATricia Sahm and Johanna Sahm in the next 2 weeks prior to the sale.

Do you plan on coming tomorrow for us to inform the court we are still trying to work through the resolve on the first? Joanna was aware the estate was open and her mother is not competent and her state court lawyers are moving forward on a sale with a dead man and an incompetent surviving spouse.

This madness really needs to stop before the three young Bernstein men are hurt further. Thank you.

I remain,

Inger M. Garcia, Esq. for
Florida Litigation Group, P.A.
Florida Pot Law Firm, P.A.
Mailing Address: 4839 Volunteer Road, #514, Davie, FL 33330
Direct Line: (954) 394-7461
Office: (954) 451-2426



INGER GARCIA



(954) 451-2426



Direct Line (954) 394-7461



Attorney@FloridaLitGroup.com



www.FloridaLitGroup.com



4839 Volunteer Road, #514 Davie, FL 33330



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On Tuesday, February 21, 2023 at 11:10:54 AM EST, Laura Doyle <laura.doyle@nelsonmullins.com> wrote:

Ms. Garcia,

Following up with you regarding our email below.

Kindly provide an update upon your receipt of this communication.

Thank you in advance.



LAURA DOYLE, CP, FRP SENIOR PARALEGAL

laura.doyle@nelsonmullins.com

LYNN FINANCIAL CENTER | SUITE 310

1905 NW CORPORATE BLVD | BOCA RATON, FL 33431

T 561.343-6858 F 561.483.7321

NELSONMULLINS.COM

From: Laura Doyle <Laura.Doyle@nelsonmullins.com>

Sent: Friday, February 10, 2023 9:21 AM

To: Inger Garcia <attorney@floridapotlawfirm.com>

Cc: John Raymond <john.raymond@nelsonmullins.com>; Laura Doyle <laura.doyle@nelsonmullins.com>

Subject: E/O Sahm

Good morning, Ms. Garcia.

Mr. Raymond requested I reach out to you to find when we may expect to receive the mortgage paperwork you and Mr. Raymond discussed yesterday. Kindly advise and/or forward the material at your earliest convenience. Thank you in advance.



LAURA DOYLE, CP, FRP **SENIOR PARALEGAL**

laura.doyle@nelsonmullins.com

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T 561.343-6858 F 561.483.7321

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-61397-CIV-SINGHAL

ELIOT BERNSTEIN,

Appellant,

v.

CHARLES REVARD,

Appellee.

ORDER

THIS CAUSE is before the Court on Appellant-Debtor's Motion to Accept Initial Brief on Appeal (DE [23]) (the "Motion"). Appellant states that he received this Court's Order to file his brief by September 18, 2025 via U.S. mail on September 19, 2025. Filing his brief on September 19, 2025 and no response having been filed by Appellee, the Court having reviewed the Motion and being otherwise fully informed in this matter, it is hereby

ORDERED AND ADJUDGED that the Motion (DE [23]) is **GRANTED**. This Court will accept Appellant's Brief (DE [24]). Appellee shall file his reply brief on or before November 6, 2025.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 7th day of October 2025.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished counsel via CM/ECF

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 Charles Revard
As Guardian of PATRICIA SAHM,

Plaintiffs,

EMERGENCY MOTION:

**Affidavit in Support 2nd Motion
MANDATORY DISQUALIFICATION**

-against-

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS. Et al

Defendants.

**AFFIDAVIT OF CANDICE BERNSTEIN INDIVIDUAL AND AS BFR, LLC
MANAGER FOR 2nd EMERGENCY MOTION MANDATORY
DISQUALIFICATION OF JUDGE PARNOFELIO:**

COMES NOW Candice Bernstein individually as a party defendant and as
Manager of BFR, LLC also a party defendant who makes this 2nd Affidavit in

Support of a 2nd Emergency motion for Mandatory Disqualification of Judge Parnofelio and shows this Court as follows:

1. I am Candice Bernstein and I make this affidavit individually and as BFR, LLC Manager to support a 2nd emergency motion for mandatory Disqualification of Judge Parnofelio under FS Sec 38.10 and Florida Rules of General Practice and Judicial Administration Rule 2.330 filed by my attorney Eric Cvelbar.
2. I have read the motion and am familiar with the contents and this Affidavit supports the motion that I have a reasonable and objective belief that a fair trial can not be had before Judge Parnofeilio who must be disqualified.
3. This is a 2nd motion for mandatory Disqualification of Judge Parnofelio and no prior Disqualifications have been issued but Judge Parnofelio is the 4th or 5th Judge in this case .
4. My prior affidavit in support of an initial motion was filed October 8, 2025 and was in writing, stated reasonable grounds to believe a fair trial can not be had before Judge Parnofelio, stated timely acts within the 20 day period, was sworn to and made in good faith and was legally sufficient but was denied as legally insufficient by Judge Parnofelio on October 9, 2025. See DE No. 448.

5. I state that I have a reasonable and objective fear that neither I individually nor BFR, LLC where I am a Manager can have a fair trial before Judge Parnofelio.
6. I state that not only do I have a reasonable and objective fear a fair trial can not be had before Judge Parnofelio but that this can be said beyond a reasonable doubt.

TIMELY ACTS WITHIN 20 DAYS OF SEPT. 29, 2025 IMPROPER EX PARTE CONTACT AND DENIAL OF DUE PROCESS

7. On September 29, 2025 within 20 days of today, Judge Parnofelio issued an Ex parte Order based on ex parte contact with Robert Sweetapple's office who has been charged in fraud in this case for numerous reasons. See De No. 440.
8. This action alone provides an objective and reasonable basis to have a reasonable fear that Judge Parnofelio can not be fair and must be disqualified.
9. I understand Ex parte as meaning one side or in this case my side and my family's side and the company where I am a Manager BFR, LLC having no opportunity to be heard and not even knowing what the ex parte contact with Mr. Sweetapple's office was but I have a reasonable belief this was improper because it led to substantive changes to a Certificate of Sale where I and BFR LLC should have had an opportunity to be heard because the

Certificate is issued falsely in a Dead person's name Walt Sahm and a deceased person can not maintain litigation in Florida in a deceased capacity.

10. This process by Judge Parnofelio shows bias and prejudice by not even allowing an opportunity to be heard and present defenses and objections the ex parte actions especially when submitted by Mr. Sweetapple's office who is involved in the original frauds on the Court by taking improper Judgment and defaults and such Judgment being taken in deceased Walter Sahm's name as if he was still alive while concealing this from the Court and the parties.
11. Judge Parnofelio has repeatedly disregarded these allegations of fraud and the issuance of the Ex parte Order on September 29, 2025 shows he is biased and prejudiced against my rights and family's rights and the rights of BFR,, LLC while also not discharging his duties in relation to the fraud allegations.
12. Not only did this Ex parte action by Judge Parnofelio affect the Certificate of Sale but further directed action for the Certificate of Title yet this is not supposed to be issued until Objections to the Certificate of Sale have been heard but Judge Parnofelio pushed the case along trying to take away those rights as well which supports the reasonable fear a fair trial can not be had and all occurred on September 29, 2025.

13. This totally disregards and flies in the face of my Response to Mr.

Sweetapple trying to simply reinstate the Sale which was filed June 25, 2025 and specifically stated grounds for a Hearing and a Hearing was requested.

See DE 407 06/25/2025 RESPONSE TO: OPPOSITION TO MOTION BY PLT TO RESET SALE DE NO 397 GROSSLY INADEQUATE SALE PRICE AND REASONABLE CONTINUANCE AND NOTICE OF SUPPLEMENTAL RELATED BANKRUPTCY FILING BY ELIOT BERNSTEIN TO VACATE THE LIFT STAY F/B DFT CANDICE BERNSTEIN PRO SE.

14. This Opposition showed that I and BFR, LLC and my family have had meritorious defenses to the foreclosure and shows missing Witnesses like Bill Stansbury and missing evidence and showed neither I nor my family nor BFR know why our former attorney Inger Garcia made the choices she did and we have been trying to get the Court to hear Ms Garcia and hold a hearing.

15. Mr. Stansbury's affidavit specifically showed there was a dedicated income stream to satisfy the friendly business deal private Note between my father in law Simon Bernstein now deceased and Walter Sahn now deceased. My opposition papers showed multiple grounds and specific evidence not accepted into Evidence during the "Trial" between Mr. Sweetapple and Ms.

Garcia such as the handwritten letters of Walt and Pat Sahm also evidencing the dedicated income stream that was supposed to pay off the Note and also that the Sahms knew the home was “our home” for my husband Eliot Bernstein and myself and family which was also relevant to my Homestead claims.

16. These prior papers were sufficient to at least grant an evidentiary hearing which was requested which makes the Sept. 29, 2025 action by Judge Parnofelio show he has no regard for a due process truth seeking process and is entirely biased in favor of Mr. Sweetapple who was supposed to be questioned at a Deposition but was not and have never been questioned by Judge Parnofelio on the allegations of fraud all which supports my reasonable belief that a fair trial can not be had before him.
17. Yet these acts by Judge Parnofelio on September 29, 2025 some 15 days ago and timely under the Rule show Judge Parnofelio is biased and prejudiced not by Decisions but by his knowing denial of due process and the fair ability to be heard and call Witnesses by due process showing prejudice and bias and must now be disqualified.
18. I am not a lawyer but understand enough about Court cases and what fairness is and have seen enough in this case to have a reasonable and objective fear that a fair trial can not be had before Judge Parnofelio.

Again, this is based on his Ex parte conduct on September 29, 2025 with attorney Robert Sweetapple to substantively change the parties in a Certificate of Sale in foreclosure in relation to the home at 2753 NW 34th Street, Boca Raton, FL 33434 where I have lived since 2008 and assert Homestead rights under the Florida Constitution.

19. Again, I know enough to know this action by Judge Parnofelio denied me and the company BFR, LLC any opportunity to be heard on substantive changes to the Certificate of Sale and denied any defenses we have as the Final Judgment is improperly in the name of deceased Walter Sahm and other motions were denied without a hearing which shows reasonable fear that a fair trial can not be had.

20. As stated in my prior affidavit, this comes after his September 17, 2025 Omnibus Order which again denied motions without an evidentiary hearing and not being heard *even threatens me and BFR, LLC and my family and even our new attorney with criminal sanctions for simply trying to assert our rights* where missing witnesses like William Stansbury, Notaries, former CBS I Team reporter who video interviewed Pat Sahm, Sr., Robert Sweetapple, UPS store worker, Kevin Hall, the Weppenens and others have not been heard when there was a direct income stream that should have paid

off the Note years ago and myself and family are losing the home and equity without proper hearings and process.

21. First back in March of this year 2025 Judge Parnofelio threatened criminal sanctions just for pursuing rights against my family and BFR LLC and even our prior attorney former intern prosecutor Inger Garcia to the point where Ms. Garcia was afraid to take any action in Judge Parnfoelio's court for herself and us as clients after this March 6, 2025 which was made where it had to be known there were multiple Missing Witnesses.
22. Now Judge Parnofelio is moving outside of law and exceeding jurisdiction by taking Ex parte action September 29, 2025 after again improperly threatening criminal action on September 17, 2025.
23. As previously stated, Judge Parnofelio also created an extortionate atmosphere with our prior attorney Inger Garcia by issuing a Charging Lien in her favor without a hearing after finding her in fraud but then later not hearing her evidence and testimony that we as defendants are innocent parties in his Order on September 17, 2025 which came after our new attorney Eric Cvelbar was misled about the Conference leading up to the Order.

24. Judge Parnofelio prejudged all of Ms. Garcia's testimony and evidence without even hearing it making the Ex Parte order even a stronger basis to have a reasonable fear a fair trial can not be had.
25. I believe that Judge Parnofelio could take such ex parte action on September 29, 2025 after knowing of these egregious errors of process and due process supports a reasonable fear a fair trial can not be had before him beyond a reasonable doubt.
26. I specifically should have been heard on the Homestead issue which should have been at an evidentiary hearing and the extortionate atmosphere caused by Judge Parnofelio compromises the truth seeking process.
27. Ms. Garcia knew from my husband during his first bankruptcy in 2023 that we were asking for our rights to a life estate or under Homestead to be pursued but as clients we had every reason to believe in her strategy and Judge Parnofelio was again wrong making assumptions and presumptions in a biased manner without having facts and evidence or allowing these matters to be properly heard.
28. As previously shown, Judge Parnofelio doing ex parte conduct on September 29, 2025 shows reasonable bias and prejudice giving me a reasonable fear a fair trial can not be had for myself, my family or BFR, LLC.

29. This also **comes after Judge Parnfoelio should have recused voluntarily as being a Witness and finding facts “outside the record” with the Foreclosure Clerk** in his omnibus Order and statements of September 10, 2025 as the Clerk has never issued a Statement nor ever been called as a Witness because Judge Parnofelio’s biased and prejudiced conduct has specifically blocked this in prejudice favor of Robert Sweetapple’s office.
30. I have read under Florida Rule of Judicial Administration 2.330: “(e) **Grounds.** A motion to disqualify shall set forth all specific and material facts upon which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) the party reasonably fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge; or and (2) (D) is likely to be a material witness or expert in the proceeding.
31. Judge Parnofelio knows he is to be a material witness in the proceedings and his failure to Voluntary recuse after the first mandatory disqualification that showed him as a material witness with actions “outside the record” with the foreclosure Clerk is an additional basis to have reasonable fear a fair trial can not be had just from his actions on October 9, 2025.
32. My affidavit satisfies both 1 and 4 on grounds as I know specifically that there is In House Counsel for the Palm Beach Clerk’s Office and **previously**

shown in DE No. 407 Paragraphs 35 and 36: “Mr. Sweetapple in Paragraph 3 of his motion to reset sale says “Shortly thereafter, counsel for Plaintiff was contacted by the Palm Beach Clerk of Court and advised that a Suggestion of Bankruptcy had been filed and that the sale was rescinded.

36. Having seen firsthand that the Palm Beach Clerk’s Office have counsel that advise them on filings I find it very strange that my husband tells me over in the Bankruptcy case that lawyer Shraiberg who was brought in by Sweetapple according to Joanna Sahm somehow convinced the Bankruptcy Judge it was all Eliot’s fault for what the Palm Beach Clerk’s office did.”

SEE DE No. 407.

33. **Both Robert Sweetapple and Judge Parnofelio are material witnesses as to how these rulings got done without the Clerk being called or issuing a Statement** and Judge Parnfoelio’s actions on September 29, 2025 ex parte culminates all of this by prejudicially denying myself and BFR LLC to be heard on substantive matters like a Certificate of Sale and Title which is already falsely issued illegally in a Deceased persons name Walter Sahm, See filed Objections DE No. 445.

34. **Judge Parnofelio should have already Disqualified as a Witness and his actions of October 9, 2025 in denying the prior mandatory Disqualification**

without voluntarily recusing as a Witness as required by law creates additional timely acts and reasonable fear that a fair trial can not be had before Judge Parnofelio.

35. Over 5 days later as of October 14, 2025 Judge Parnofelio still has not voluntarily recused as a fact Witness regarding the Clerk's actions and cancellation of the sale which creates another timely act for Disqualification within the 20 day period of the Rule. This was noticed to Judge Parnofelio in the first motion for mandatory Disqualification.
36. All the grounds for objections filed in DE No. 445 attached as an exhibit are further incorporated as if restated to further support the grounds for a reasonable fear that a fair trial can not be had before Judge Parnofelio who must now be mandatorily Disqualified.
37. Anyone looking at the history of Judge Parnfoelio's actions can see he did not even have my husband Eliot Bernstein in front of him as a Live witness and had no basis to judge credibility just from a deposition but more importantly anyone can see Judge Parnofelio had multiple missing witnesses to make the findings he did and then to sanction us without any notice or opportunity to be heard when our attorney Ms. Garcia controlled the trial is fundamentally unfair, biased and prejudiced and this pattern has continued

with the recent actions of the Ex parte Order on Sept. 29, 2025 and now failure to recuse as a material witness since October 9 2025.

38. My husband Eliot Bernstein is the one who initiated investigation because of the fraud against our family and BFR, LLC and initiated this almost 2 years before Mr. Sweetapple filed his motion and yet all this time later that fraud has not been heard and instead the script was flipped against us in a way that anyone can see was improper where so many missing witnesses have been shown and we did not get any due process opportunity to be heard at so many stages.

39. My husband Eliot has fought for years as an advocate exposing problems in the Guardianship system and he does not know why he wasn't called at Trial but it makes no sense that he would be reporting everything to authorities while allegedly committing elderly abuse and this was never a proper finding and is on appeal.

40. A fair trial can not be had before Judge Parnofelio.

41. Judge Parnofelio must be mandatorily Disqualified.

VERIFICATION

I, Candice Bernstein, a party to the action and Manager of BFR, LLC, under FS § 92.525 state that I have read the foregoing Affidavit in support for Mandatory Disqualification of Judge Parnofiello and that the facts stated therein are true to the

best of my own knowledge except any matter stated upon information and belief
and as to those matters to the best of my knowledge and belief, I believe the same
to be true.

Respectfully submitted,

Candice Bernstein

Dated: October 16, 2025

Candice Bernstein, Individual and BFR LLC Manager
2753 NW 34th Street
Boca Raton, Fl 33434

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

**CANDICE BERNSTEIN OPPOSITION TO MOTION BY PLAINTIFF TO
RESET SALE DE NO. 397 GROSSLY INADEQUATE SALE PRICE AND
REASONABLE CONTINUANCE AND NOTICE OF SUPPLEMENTAL
RELATED BANKRUPTCY FILING BY ELIOT BERNSTEIN TO VACATE
THE LIFT STAY**

COMES NOW Candice Bernstein who respectfully shows this Court as follows:

1. I am Candice Bernstein and a party Defendant pro se.
2. I provide Notice to the Court and parties as Status of a Supplemental related case Bankruptcy filing by my husband Eliot Bernstein attached as Exhibit 1.
3. I am not a lawyer but I use self-education tools and resources and it sounds like some of the issues on the Motion to reset Sale are raised in my

Husband's supplemental Bankruptcy filing and I do not know what will happen but he seeks to Vacate the Lift Stay Order of Judge Russin in Bankruptcy and reinstate the automatic Stay.

4. I oppose the motion by Mr. Sweetapple to simply "reinstate" the Foreclosure Sale of April 14, 2025.
5. I have both equity rights in the property and filed with my husband Eliot for Homestead Protection in good faith on April 13, 2025 under DE No. 370 and this has not yet been heard and evidentiary hearings should occur before relief is granted to the Plaintiff and to declare Homestead protection.
6. There is Florida case law from the 4th DCA that shows Trials are allowed on Homestead and Discovery can be granted.
7. I understand the Civil Circuit Court in foreclosure has equity powers to do justice amongst all parties and I am one of those parties.
8. My oldest son Joshua Bernstein was recently appointed Lead Co-Trustee over Registry Trust funds in a case before Judge Schosberg Feuer and he is waiting for the official Order of Appointment to be signed and an Order of partial release to my 3 adult sons of their Trust funds in the Registry as they are without counsel and so am I after the Court issued the March 6, 2025 Order creating conflicts with Inger Garcia.

9. My oldest son Josh attempted to reach an agreement with Mr. Sweetapple in good faith to seek a voluntary agreement to continue his motions to Reset the Sale in this Court for at least 7 days or longer.

10. Mr. Sweetapple did not agree but did offer some information that moves toward Settlement which my husband Eliot and my family has been trying to achieve since 2013 or earlier to pay off the Sahm Private Note.

11. Robert Sweetapple

ROBERT A. SWEETAPPLE

[illegible][illegible][illegible][illegible]

NOT A CERTIFIED COPY

THE COURT HAS REVIEWED THE MOTION AND THE RECORD IN THIS CASE AND HAS DETERMINED THAT THE MOTION IS UNAVAILING. THE COURT HAS REVIEWED THE MOTION AND THE RECORD IN THIS CASE AND HAS DETERMINED THAT THE MOTION IS UNAVAILING. THE COURT HAS REVIEWED THE MOTION AND THE RECORD IN THIS CASE AND HAS DETERMINED THAT THE MOTION IS UNAVAILING.

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12. From research tools it seems to favor judicial economy and minimize attorney fees for this brief Continuance for this determination of Homestead under the Florida Constitution that would seem to impact the case and this should occur first.
13. My family has been without Counsel since this Court's Order in DE No. 314 on March 6, 2025 and I also seek a brief continuance to secure new counsel.
14. I was around when the Trust Funds of my 3 sons as minors were used for the downpayment to Walter Sahm and Pat Sahm, Sr. as part of a Private Note and over \$220,000.00 or so was paid in downpayment for the real estate.

15. I do not know all the ins and outs but am familiar with many of them so I do not actually know why I was not called as a Witness by Inger Garcia in the Hearings before this Court.
16. Maybe she had a strategy but I just don't know it because I knew my Father-in law Simon for many, many years and know he would have never left my family in the position it is and I also know Bill Stansbury for over 10 years who was in a position as Trustee and Trust Protector for Simon and I do not know why he has never been called as a Witness since making his affidavit before this Court in March of 2022.
17. His affidavit shows the friendly business deal done by Simon Bernstein and Walt Sahm as part of "Asset Protection" Simon Bernstein to benefit my husband Eliot Bernstein, myself and our 3 sons who were minors at the time of the Private Note and where it was known the home was for Eliot and I. \
18. The Stansbury affidavit shows my in-laws Simon and Shirley had an income stream that was supposed to Pay off and satisfy the Sahms over 12 years ago and this Payment to the Sahms was not supposed to diminish the Inheritances of my family
19. Instead we have been stuck in legal maneuvers for over 10 years and I was told Pat Sahm, Sr. herself said in 2023 that even she thought the case against

her and this case had been “taken over by the lawyers” not allowing the clients to be clients who were business friends for many years.

20. This would seem to have been relevant to the reasonableness of the Settlement with Pat Sahm, Sr. since a separate income stream from the Estates and Trusts were supposed to pay the Sahms in the first place and even the Handwritten letters of Pat and Walt Sahm to Ted Bernstein and then to my husband and I in 2013 show they knew of the separate income stream and were working with Eliot to get this resolved with Ted Bernstein who had taken over everything.
21. I also know about the other Bernstein entities BFI, Inc. Bernstein Family Holdings, Inc, Life Insurance Concepts, Inc (LIC) that my husband listed in his recent Bankruptcy and have first hand experience of the struggle and fight Eliot and I have gone through to get any kind of discovery for over a decade or get proper accountancy.
22. I know first hand how BFR, LLC was providing for our family until Simon passed away.
23. I know my husband’s bankruptcy filing shows Inger Garcia asked Eliot to get her federal Whistleblower with the US Trustee.
24. I know my Husband Eliot has maintained a business record that I have heard from Walt Sahm, Sr. stating his daughter Joanna was supposed to be

going after Ted Bernstein aggressively for the pay off of this Note but instead she has used Mr. Sweetapple to suggest the Sahms did not know who lived here or who my sons are and even called us squatters when we were not supposed to pay this Note in the first place.

25. I could have testified about these things and also know Tescher and Spallina were forced to resign in the Simon and Shirley Trust and Estate cases after my husband exposed using a Dead person in that case my father in law Simon as Deceased to close the Shirley case where there has been no accounting but she held 49.5 percent in all the Investment accounts with Simon and I helped on putting documents together from the very late and sparse records of Tescher and Spallina showing millions in missing accounts what my husband calls "the Missing Millions" in his Bankruptcy papers attached as Exhibit 1.
26. I know and have seen that Alan Rose as lawyer for Ted Bernstein had direct actual knowledge in at least 2017 that Tescher had Resigned as Agent of BFR, LLC but Mr. Sweetapple claims to have Served BFR, LLC in this case through Tescher who was known to be resigned.
27. I don't know why the Handwritten letters of Walt and Pat Sahm from [REDACTED] were not introduced as evidence but I know at least 2 if not 3 people can verify the handwriting and my husband and I have kept this record as

business document in the ordinary course of business and these have been in the Record of this case for over 3 years.

28. Neither I nor my family have our case records from our former counsel Ms. Garica who has sent texts seeking federal Whistleblower protection in Eliot's Bankruptcy.
29. I have researched and seen Zillow Reports filed in the Bankruptcy Case that show current market values of the real estate \$850,000.00 to over \$900,000.00 for the property which I believe is facially a grossly inadequate Sale price orchestrated by Charles Revard and Joanna Sahm and maybe Mr. Sweetapple where the price for their bid was even \$200,000.00 less or so of the Final Judgment.
30. The Final Judgment was knowingly obtained in deceased Walter Sahms's name without Substitution or notice and Mr. Sweetapple had never Served me with the Proposed Judgment or signed Judgment and the Judge had said there would be hearings on Attorneys Fees but there has never been a Hearing on attorneys fees.
31. Mr. Sweetapple had admitted in open Court before Judge Kastranakes at the Summary Judgment hearing Nov. 22, 2021 he filed in deceased Walter Sahm's name that he was checking with Alan Rose about the numbers for

the fees yet Rose knew BFR, LLC was never even served properly in the case being served by Mr. Sweetapple on Resigned Agent Don Tescher.

32. The gross sale price designed to sell the property back to themselves is facially in question and looks like bad faith.

33. I had gone with my husband to the Palm Beach Clerk's office to file the Homestead Designation with the Clerk in the Real Estate section and know that the Clerk's Office has Counsel to review items before filing.

34. The Clerk cancelled the Sale under Federal Bankruptcy law and a pending motion in Bankruptcy will impact this motion by the Plaintiff.

35. Mr. Sweetapple in Paragraph 3 of his motion to reset sale says "Shortly thereafter, counsel for Plaintiff was contacted by the Palm Beach Clerk of Court and advised that a Suggestion of Bankruptcy had been filed and that the sale was rescinded."

36. Having seen firsthand that the Palm Beach Clerk's Office have counsel that advise them on filings I find it very strange that my husband tells me over in the Bankruptcy case that lawyer Shraiberg who was brought in by Sweetapple according to Joanna Sahm somehow convinced the Bankruptcy Judge it was all Eliot's fault for what the Palm Beach Clerk's office did.

37. Through research tools I have seen and been told there is Florida Supreme Court law that looks at the grossly inadequate sale price as a factor for an invalid sale.
38. The Sale was canceled by the Clerk and other hearings should happen first before it is reset including the Homestead determination.
39. The Motion to reset Sale should be denied or at least continued a reasonable time especially after seeking voluntary agreement with Mr. Sweetapple.
40. I reserve any and all rights to supplement this Opposition upon obtaining new counsel which process has been specifically delayed and thwarted by Alan Rose stepping up for Mr. Sweetapple's claims in the Trust Registry case even after having no standing and after Mr. Sweetapple withdrew his attempts to lien the Trust funds of myself and my brothers.
41. It seems very clear Mr. Sweetapple and Mr. Rose have colluded for a long time even though Walt Sahm told my husband Joanna would pursue Mr. Rose's client Ted Bernstein and the handwritten Letters of Walt and Pat Sahm show the income stream not accounted for from the Simon and Shirley Trust and Estates to pay off the Note.
42. Over in the Registry case Alan Rose has recently grossly undervalued Simon's Estate just based on records known at the time of his passing which are only limited records without full discovery or accounting.

43. Mr. Rose did admit in writing recently in the Registry case that the 2nd Mortgage in this case which has impaired the ability to get a Loan to Settle this case is now deemed “valueless” as the Stansbury affidavit shows so we hope Ted Bernstein and Mr. Rose will finally file proper Cancellation and Satisfaction of this 2nd Mortgage to remove the cloud on Title and for lending purposes.

44. There should be evidentiary hearings and Discovery before any Sale is reset.

45. The Settlement offer that had been provided was equitable and reasonable and can still be settled as far as I know.

WHEREFORE it is respectfully prayed for an Order denying the motion to reset sale or alternatively granting a reasonable continuance to secure counsel, have the Court determine the Homestead issues and pending outcome in the related Bankruptcy case with a reservation of rights to file additional opposition upon securing counsel and obtaining case files and other relief as just and proper.

Dated: June 25, 2025

/s/ **Candice Bernstein**

Defendant Pro Se
2753 NW 34th Street
Boca Raton, Florida 33434
561-886-7627

tourcandy@gmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all parties requiring service were served electronically via the Florida ECourt filing portal on this 25th day of June, 2025.

Dated: June 25, 2025

/s/ Candice Bernstein
Defendant Pro Se
2753 NW 34th Street
Boca Raton, Florida 33434
561-886-7627
tourcandy@gmail.com

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 Charles Revard
As Guardian of PATRICIA SAHM,

Plaintiffs,

EMERGENCY MOTION:

**Affidavit in Support of 2nd
MANDATORY DISQUALIFICATION**

-against-

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS. Et al

Defendants.

**AFFIDAVIT OF JOSHUA BERNSTEIN INDIVIDUAL AND AS BFR, LLC
MEMBER FOR 2nd EMERGENCY MOTION for Mandatory
Disqualification:**

COMES NOW Joshua Bernstein individually as a party defendant and as a
Member of BFR, LLC also a party defendant who makes this Affidavit in Support

of a 2nd Emergency motion for Mandatory Disqualification of Judge Parnofelio and shows this Court as follows:

1. I am Joshua Bernstein and I make this 2nd affidavit individually as a party defendant and as BFR, LLC Member where BFR, LLC is a party Defendant to support a 2nd emergency motion for mandatory Disqualification of Judge Parnofelio under FS Sec 38.10 and Florida Rule filed by my attorney Eric Cvelbar.
2. This is a 2nd motion for mandatory Disqualification of Judge Parnofelio after a legally sufficient initial motion was denied as legally insufficient. .
3. I state that I have a reasonable and objective fear that neither I individually nor BFR, LLC can have a fair trial before Judge Parnofelio.
4. I can state in good faith that this fear is even reasonable beyond a reasonable doubt as Judge Parnofelio has repeatedly demonstrated hostility to the truth seeking process, to my rights and the rights of my company and acted in a biased and prejudiced manner against us as recently shown by his Ex Parte conduct of September 29, 2025 and by further failing to voluntarily recuse since at least October 9, 2025 as a material witness in relation to the Foreclosure Clerk cancelling a prior Sale and Judge Parnofelio entering matters “outside the record” about this process where there is no Foreclosure

Clerk statement in the Record and the Clerk has never been called as a Witness.

5. I am not a lawyer but understand enough about Court cases and what fairness is and have seen enough in this case to have a reasonable and objective fear that a fair trial can not be had before Judge Parnofelio.

TIMELY ACTS WITHIN 20 DAYS OF SEPT. 29, 2025 IMPROPER EX PARTE CONTACT AND DENIAL OF DUE PROCESS

6. This is based on his Ex parte conduct on September 29, 2025 with attorney Robert Sweetapple to substantively change the parties in a Certificate of Sale in foreclosure in relation to the home at 2753 NW 34th Street, Boca Raton, FL 33434 where I have lived since 2008 and assert Homestead rights under the Florida Constitution.
7. I know enough to know this action by Judge Parnofelio denied me and the company BFR, LLC any opportunity to be heard on substantive changes to the Certificate of Sale and denied any defenses we have without Notice or Opportunity and without a Hearing as the Final Judgment is improperly in the name of deceased Walter Sahm and other motions were denied without a hearing which shows reasonable fear that a fair trial can not be had.
8. This Ex parte of September 29, 2025 action by Judge Parnofelio came even though my company BFR, LLC has an active Appeal of the prior Non Final

Order that took away our rights to a Motion for relief under 1/540 sanctioning myself and my company and family for actions he knows were solely in control by our attorney Inger Garcia.

9. Even worse is the Ex Parte action also directed the Clerk to take action on the Certificate of Title knowing Judge Parnofelio had not afforded the Objections process to the Certificate of Sale itself, knowing he has used evidence “outside the record”, knowing he prejudged Ms. Garcia’s statement as an officer of the Court that we are innocent parties and did not even hear from Ms. Garcia but had granted her a charging lien against us also without a hearing.
10. Judge Parnofelio proceeded ex parte knowing Mr. Sweetapple has also been charged in fraud years before his motion to strike and knowing his Deposition never occurred and knowing Bill Stansbury still has not been heard who was a Trustee for my grandfather Simon Bernstein and shows our meritorious defense that a Dedicated income stream was available to pay off the business friendly private Note which is confirmed by handwritten letters of Walt and Pat Sahm from 2013 that are in the case file but never made it into evidence and neither I nor my family or BFR knows why these things did not happen.

11. This ex parte conduct shows Judge Parnofelio is hostile to the truth seeking process and biased and prejudiced against myself and my company.
12. Judge Parnofelio knew or should have known that he had to Disqualify as a material witness under law as he used matters "outside the record" with the Foreclosure Clerk to simply reinstate a Sale instead of at least resetting a Sale properly where Judge Parnofelio knows and has actual knowledge the Final Judgment is in the name of deceased Walter Sahm and a deceased person in Florida can not maintain and continue a lawsuit.
13. This fear is further grounded in that I have made a Limited appearance as I was never properly served in the action and my motion for lack of jurisdiction was never heard but Judge Parnofelio has improperly issued an Omnibus motion closing any further matters on foreclosure which denied due process and also because my company BFR, LLC has an Appeal pending under 4D2025-1033 yet the Judge is acting ex parte to close up everything and take substantial equity from my company and myself knowing Witnesses were missing and now we find other exhibits that are not in the record.
14. This ex parte conduct on September 29, 2025 comes after his September 17, 2025 Omnibus Order which again denied motions without an evidentiary hearing and not being heard and threatens me and BFR, LLC and my family

and even our attorney with criminal sanctions for simply trying to assert our rights where missing witnesses like William Stansbury, Notaries, former CBS I Team reporter who video interviewed Pat Sahm, Sr., Robert Sweetapple, UPS store worker, Kevin Hall, the Weppenens and others have not been heard when there was a direct income stream that should have paid off the Note years ago and myself and family are losing the home and equity without proper hearings and process.

15. I am aware that substantive objections were filed to the Certificate of Sale and Amended Certificate on October 6, 2025 and no Order for an evidentiary hearing has been issued yet when Mr. Sweetapple acted ex parte with Judge Parnofelio he acted the very same day less than 24 hours. See Objections filed.

16. Judge Parnofelio also created an extortionate atmosphere with our prior attorney Inger Garcia by issuing a Charging Lien in her favor without a hearing after finding her in fraud but then not hearing her evidence and testimony that we as defendants are innocent parties.

17. After the March 6, 2025 Order on Appeal by BFR, LLC our attorney Inger Garcia was afraid to take any action to advance our rights because of improper threats of criminal action for trying to advance defenses and now as of September 17, 2025 Judge Parnofelio is again threatening myself and

family and even our new attorney Eric Cvelbar with criminal action simply for exercising rights under law and the US and Florida Constitution.

18. There should have been evidentiary hearings and the extortionate atmosphere caused by Judge Parnofelio compromises the truth seeking process.
19. All of this further makes the Ex parte conduct of September 29, 2025 and the failure to recuse as a material witness since October 8, 2025 reasonable grounds to fear objectively that a fair trial can not be had before Judge Parnofelio.
20. I reasonably believe Judge Parnofelio is hostile to the truth seeking process and due process for myself and company and have a reasonable fear that a fair trial can not be had before him.
21. I believe my entire family and company has this same reasonable fear that a fair trial can not be had before Judge Parnofelio who simply wants to rush this case in favor of Mr. Sweetapple showing prejudice and bias.
22. Judge Parnofelio doing ex parte conduct on September 29, 2025 shows reasonable bias and prejudice giving me a reasonable fear a fair trial can not be had for myself, my family or BFR, LLC and I support the other grounds raised by our attorney Eric Cvelbar in the motion.


23. This is an emergency as it involves the continuing denial of due process and other rights to be heard and is egregious when I and my company am about to lose nearly \$500K or more in equity when Mr. Stansbury, who has never been heard can show the repayment of the Note was not to diminish our inheritance and it taking of our rights and property without due process of law.

VERIFICATION

I, Joshua Bernstein, a party to the action and Member of BFR, LLC, under FS § 92.525 state that I have read the foregoing Affidavit in support for Mandatory Disqualification of Judge Parnofiello and that the facts stated therein are true to the best of my own knowledge except any matter stated upon information and belief and as to those matters to the best of my knowledge and belief, I believe the same to be true.

Respectfully submitted,

Dated: October 16, 2025



Joshua Bernstein, Individual and BFR LLC Member
2753 NW 34th Street
Boca Raton, FL 33434

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 Charles Revard
As Guardian of PATRICIA SAHM,

Plaintiffs,

EMERGENCY MOTION:

**Affidavit in Support of 2nd
MANDATORY DISQUALIFICATION**

-against-

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS. Et al

Defendants.

**AFFIDAVIT OF JACOB BERNSTEIN INDIVIDUAL AND AS BFR, LLC
MEMBER FOR 2nd EMERGENCY MOTION for Mandatory
Disqualification:**

COMES NOW Jacob Bernstein individually as a party defendant and as a

Member of BFR, LLC also a party defendant who makes this Affidavit in Support

of a 2nd Emergency motion for Mandatory Disqualification of Judge Parnofelio and shows this Court as follows:

1. I am Jacob Bernstein and I make this affidavit individually as a party defendant and as BFR, LLC Member where BFR, LLC is a party Defendant to support a 2nd emergency motion for mandatory Disqualification of Judge Parnofelio under FS Sec 38.10 and Florida Rule 2.330 filed by my attorney Eric Cvelbar.
2. I make this affidavit in good faith and sworn to and have a reasonable and objective fear that a fair trial can not be had before Judge Parnofeilio based on ex parte acts occurring on September 29, 2025 and other acts within the 20 days of the Rule.
3. I am not an attorney but I have a sense of fairness and common sense and have watched shows like Court TV and have some idea of what happens in Court.
4. I can google the words Ex parte and see it means one sided and I know I had no opportunity to be heard about the Ex parte Order on September 29, 2025 and this was unfair and denied me and my company BFR LLC fair process and shows a fair Trial can not be had before Judge Parnofelio.
5. I know these actions came after the Judge had been told about specific missing witnesses and know William Stansbury alone ie enough of

unfairness as he was my Grandfather Simon's Trustee and he knows there was other money in a dedicated stream to pay off this Note and knows my inheritance should not be diminished by paying this Note but instead me and my company BFR and family are about to lose over \$500,000.00 or more Equity that should be ours and that is unfair and bad process and an emergency as well to stop this.

6. I know enough about Court to know when there are many witnesses that never get to speak or be heard something is wrong in the process and it seems it is just Judge Parnofelio who is biased against me and my company and family and has even threatened my new attorney Eric with criminal action after threatening us before and our former attorney Inger Garcia who was afraid to do anything for us because of the criminal threats.
7. I have also read where Judge Parnofelio is trying to use or has used information from outside the record on the Foreclosure Clerk and should have recused even if he denied the prior motion for disqualification.
8. If my attorney Eric has said he does not believe a fair trial can be had by Judge Parnofelio and he has been threatened with criminal action just to represent us that's enough for me to believe a fair trial can not be had.
9. I mean what can I do as a non lawyer when my lawyer is threatened when this should be a simple case and let Mr. Stansbury and Kevin Hall and the

Weppenens and Notary and all the people on the list and then everything would be fair but the Judge does not want the truth or fairness.

10. I understand the Judge has prejudged my former attorney Inger Garcia or must have because he ruled without her speaking in Court and now has gone Ex parte to push everything against us.

11. It's like stealing and theft of over \$500,000.00 without getting any fair process to say anything.


12. Judge Parnofelio doing ex parte conduct on September 29, 2025 shows reasonable bias and prejudice giving me a reasonable fear a fair trial can not be had for myself, my family or BFR, LLC and I support the other grounds raised by our attorney Eric Cvelbar in the motion and the Judge should be disqualified.

VERIFICATION

I, Jacob Bernstein, a party to the action and Member of BFR, LLC, under FS § 92.525 state that I have read the foregoing Affidavit in support for Mandatory Disqualification of Judge Parnofiello and that the facts stated therein are true to the best of my own knowledge except any matter stated upon information and belief and as to those matters to the best of my knowledge and belief, I believe the same to be true.

Respectfully submitted,

Dated: October 16, 2025

A handwritten signature in black ink, appearing to be 'JB', is positioned above a horizontal line.

Jacob Bernstein, Individual and BFR LLC Member

2753 NW 34th Street

Boca Raton, Fl 33434

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 Charles Revard
As Guardian of PATRICIA SAHM,

Plaintiffs,

EMERGENCY MOTION:

**Affidavit in Support of 2nd
MANDATORY DISQUALIFICATION**

-against-

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS. Et al

Defendants.

**AFFIDAVIT OF DANIEL BERNSTEIN INDIVIDUAL AND AS BFR, LLC
MEMBER FOR 2nd EMERGENCY MOTION for Mandatory
Disqualification:**

COMES NOW Daniel Bernstein individually as a party defendant and as a
Member of BFR, LLC also a party defendant who makes this Affidavit in Support

of a 2nd Emergency motion for Mandatory Disqualification of Judge Parnofelio and shows this Court as follows:

1. I am Daniel Bernstein and I make this affidavit individually as a party defendant and as BFR, LLC Member where BFR, LLC is a party Defendant to support a 2nd emergency motion for mandatory Disqualification of Judge Parnofelio under FS Sec 38.10 and Florida Rule 2.330 filed by my attorney Eric Cvelbar.
2. I make this affidavit in good faith and sworn to and have a reasonable and objective fear that a fair trial can not be had before Judge Parnofeilio based on ex parte acts occurring on September 29, 2025 and other acts within the 20 days of the Rule.
3. I am not an attorney but I have been at Court proceedings and have tried to learn as much as I can about this case even though many things happened before I even became 18.
4. I have a sense of fairness and common sense and have watched shows like Court TV and have some idea of what happens in Court.
5. I speak to my brothers as Members of our company BFR and speak to y parents and try to learn as much as I can.

6. I can also google the words Ex parte and see it means one sided and I know I had no opportunity to be heard about the Ex parte Order on September 29, 2025.
7. I believe this was unfair, one sided and denied me and my company BFR LLC fair process and shows a fair Trial can not be had before Judge Parnofelio.
8. Judge Parnofelio is biased and prejudiced against me and y family and company BFR and has never heard from myself or brothers and not even my mother or father testified.
9. I have read and seen where Kevin Hall tried to be heard but didn't even get to testify but had decisions made against him and our Company BFR.
10. It's common sense that someone should be able to defend themselves but Judge Parnofelio has denied this in an unfair way with unfair process which makes me believe reasonably that he can not be fair especially when he even threatened me, my company, my family and even our new lawyer Eric with criminal actions just trying to defend ourselves.
11. I have read where these actions came after the Judge had been told about specific missing witnesses and know William Stansbury is important and denying him as a Witness shows enough of unfairness as he was my Grandfather Simon's Trustee and he knows there was other money in a

dedicated stream to pay off this Note and he knows my inheritance should not be diminished by paying this Note but instead me and my company BFR and family are about to lose over \$500,000.00 or more in Equity that should be ours and that is unfair and bad process and an emergency as well to stop this.

12. It seems rather crazy because Mr. Stansbury says a Dedicated stream of money should have paid this off years ago and I know from what Josh has seen in the Shirley Trust case Mr. Rose and Sweetapple were working together to deny us our own money there even when we were trying to pay Pat Sahm. Sr. out of our own money when even Mr. Sahm had handwritten letters that showed this Note was supposed to be paid by a dedicated income stream and not diminish our inheritance.
13. And it seems even crazier and unfair when the Judge is blaming and sanctioning us for things our lawyer Inger did and then not letting us be heard and then not even hearing Inger who says we are innocent and then the Judge is just trying to rush ex parte without us being heard and without the evidence which seems like bad process and unfair and like stealing our money and property.
14. I also know enough about Court to know when there are many witnesses that never get to speak or be heard something is wrong in the process and it

seems it is just Judge Parnofelio who is biased against me and my company and family and has even threatened my new attorney Eric with criminal action after threatening us before and our former attorney Inger Garcia who was afraid to do anything for us because of the criminal threats.

15. I have also read where Judge Parnofelio is trying to use or has used information from outside the record on the Foreclosure Clerk and should have recused even if he denied the prior motion for disqualification.
16. I agree with Jake that if my attorney Eric has said he does not believe a fair trial can be had by Judge Parnofelio and he has been threatened with criminal action just to represent us that's enough for me to believe a fair trial can not be had.
17. I mean just like Jake said what can I do as a non lawyer when my lawyer is threatened when this should be a simple case and let Mr. Stansbury and Kevin Hall and the Weppenens and Notary and all the people on the list could testify and then everything would be fair but the Judge does not want the truth or fairness.
18. I have also seen and understand the Judge has prejudged our former attorney Inger Garcia or must have because he ruled without her speaking in Court and now has gone Ex parte to push everything against us.

19. It's like stealing and theft of over \$500,000.00 without getting any fair process to say anything.
20. Judge Parnofelio doing ex parte conduct on September 29, 2025 shows reasonable bias and prejudice giving me a reasonable fear a fair trial can not be had for myself, my family or BFR, LLC and I support the other grounds raised by our attorney Eric Cvelbar in the motion and the Judge should be disqualified.
21. This includes the Judge as a witness should have recused since at least October 9, 2025 and the fear a fair trial can not be had before Judge Parnofelio is reasonable and objective.

VERIFICATION

I, Daniel Bernstein, a party to the action and Member of BFR, LLC, under FS § 92.525 state that I have read the foregoing Affidavit in support for Mandatory Disqualification of Judge Parnofiello and that the facts stated therein are true to the best of my own knowledge except any matter stated upon information and belief and as to those matters to the best of my knowledge and belief, I believe the same to be true.

Respectfully submitted,

Dated: October 16, 2025

Daniel Bernstein

Daniel Bernstein, Individual and BFR LLC Member
2753 NW 34th Street
Boca Raton, Fl 33434

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 Walter 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

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Zestimate®

\$855,000

2753 NW 34th St, Boca Raton, FL 33434

--beds

3baths

2,301sqft

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

20162018202020222024\$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.

Skip carousel

Comparable homes

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

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

•

\$1,040,000

4 bd | 3 ba | 2.3k sqft

Boca Madera, Boca Raton, FL 33434

Sold



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
Boca Raton, FL 33431

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



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



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



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

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

Skip carousel

Comparative value

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

1

2

3

4

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

Owner options

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Sell it yourself

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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 fees: \$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

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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.

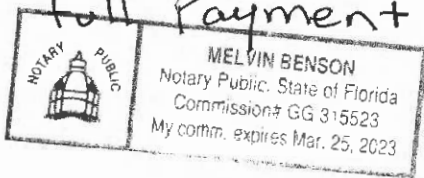
Dear Candace and Eliot,

As we discussed on our Phone call
Friday, Oct. 11, 2019, we would hope that,
Somehow, Walt and Pat Sahm would receive
a Cashiers 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.



CL. John M. Cappeller Jr.

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

1 IN THE CIRCUIT COURT OF THE 15TH
2 JUDICIAL CIRCUIT IN AND FOR
3 PALM BEACH COUNTY, FLORIDA
CASE NO.: 50-2018-CA-002317-XXXX-MB
DIVISION AO

4 WALTER E. SAHM AND
5 PATRICIA SAHM,
Plaintiffs

6 V.

7 BERNSTEIN FAMILY REALTY, LLC,
8 BRIAN O'CONNELL, AS SUCCESSOR
9 PERSONAL REPRESENTATIVE OF
10 THE ESTATE OF SIMON L. BERNSTEIN;
11 ALEXANDRA BERNSTEIN, ERIC BERNSTEIN,
12 MICHAEL BERNSTEIN, MOLLY SIMON,
13 PAMELA B. SIMON, JILL IANTONI,
14 MAX FRIEDSTEIN, LISA FRIEDSTEIN,
15 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

16 HEARING

17 DATE: SEPTEMBER 10, 2025
18 REPORTER: NICOLE WARD

19

20

21

22

23

24

25

1 APPEARANCES

2
3 ON BEHALF OF THE PLAINTIFFS, WALTER E. SAHM AND

4 PATRICIA SAHM:

5 Cynthia J. Miller, Esquire

6 Sweetapple, Broeker & Miller, P.L.

7 4800 North Federal Highway

8 Suite D306

9 Boca Raton, Florida 33431

10 Telephone: (561) 392-1230

11 E-mail: pleadings@sweetapplelaw.com

12
13 ON BEHALF OF THE DEFENDANTS, BERNSTEIN FAMILY REALTY,

14 LLC, ELIOT I. BERNSTEIN, CANDICE BERNSTEIN, DANIEL

15 BERNSTEIN:

16 Eric Cvelbar, Esquire

17 1001 Northwest 54th Street

18 Apartment 712

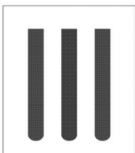
19 Miami, Florida 33127

20 Telephone: (305) 490-1830

21 E-mail: ecvelbar@hotmail.com

22
23 Also Present: John Parnofiello, Judge; Candice

24 Bernstein, Defendant



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PROCEEDINGS

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STIPULATION

The hearing was taken at PALM BEACH COUNTY COURTHOUSE,
205 NORTH DIXIE HIGHWAY, WEST PALM BEACH, FLORIDA 33401
on WEDNESDAY the 10th day of SEPTEMBER 2025 at 9:00 a.m.
(ET); said hearing was taken pursuant to the FLORIDA
Rules of Civil Procedure.



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PROCEEDINGS

THE COURT: We're here on 2018CA2317. May I have the appearance of the parties, please?

MS. MILLER: Good morning.

MR. CVELBAR: Yeah. Sorry. Go ahead.

MS. MILLER: Good morning, Your Honor. Cynthia Miller on behalf of the plaintiffs, Your Honor.

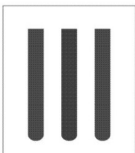
MR. CVELBAR: Good morning, Your Honor. Eric Cvelbar, on behalf of the defendants.

THE COURT: Mr. Cvelbar, good morning.

MR. CVELBAR: Good morning, Your Honor. Good seeing you.

THE COURT: We are here on the Court ordered a Case Management Conference to try to figure out how long we need to resolve all the remaining issues on the foreclosure matter. I had also granted Mr. Cvelbar -- if I butcher your name, I'm sorry. I granted you leave to file any amendments or modifications to anything in the file. I didn't see anything filed in that deadline, as long as it's passed. So I'm presuming that you're just proceeding on what has been filed previously?

MR. CVELBAR: I am, Your Honor. But the thing is, you know, I had recent eye surgery and I was having a lot of issues and that. You know, I wrote



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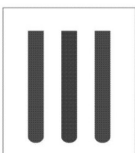
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1 down here a number of things that I'd like to bring
2 before the Court that we can get a little more time
3 to do these things, if I could enter it into the
4 Court records.

5 THE COURT: Sure.

6 MR. CVELBAR: Your Honor, this is Eric Cvelbar.
7 I'm the attorney for the Bernstein Family and Eliot,
8 Candice, Joshua, Jacob and Danny Bernstein,
9 individually. I have some concerns about the
10 scheduling of this Case Management Conference as I
11 received an e-mail from Inger Garcia, and it was
12 also sent to Cynthia Miller, that she had a conflict
13 today. But Ms. Miller says that Ms. Garcia was not
14 needed, and at -- in all honesty, I thought it was
15 improper to go forward without Ms. Garcia.

16 Ms. Miller insisted that there would be no
17 rulings today, nor arguments and this is solely for
18 scheduling further actions. As Your Honor may
19 recall, in D-429, that was issued on August 21st,
20 2025, Your Honor already ordered in Paragraph 3, the
21 following -- it said, "If the parties cannot agree
22 on the production, the parties will set Ms. Garcia's
23 Motion to Compel for hearing within two weeks. All
24 deadlines will be continued, pending the results of
25 that hearing." All deadlines in relation to this



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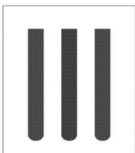
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1 issue are continued, pending. The parties have not
2 agreed, and we asked for a full production of
3 redacted records. And being Ms. Garcia's motion to
4 be set for hearing, we believe Ms. Garcia should be
5 heard on scheduling. And we remind this Court, we
6 attempted, through Ms. Miller, to reschedule today,
7 but you know, she refused.

8 There are several outstanding items we wish to
9 address and I have raised most of these with the
10 Fourth District Court of Appeal, where two appeals
11 are pending in relation to this court's March 6th
12 order. And I have suggested to the Appellate Court
13 that the appeals be stayed, or extended, pending the
14 outcome of today's Case Management Conference. I
15 have notified the Appellate Court and Ms. Miller
16 that -- and the parties that I had eye surgery and
17 several eye appointments during the time one of the
18 sets of motions were due, under this proposed Case
19 Management Order. And I also e-mailed the parties
20 that it was not logical for us to have motions due
21 before the meeting confer was completed and before
22 we had basic discovery.

23 I had asked both Ms. Garcia and Mr. Sweetapple
24 to certify that both attorneys have uploaded all
25 necessary records to the E-case view docket, so the



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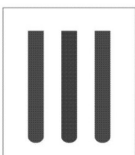
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1 record on appeal is complete and neither attorney
2 has responded to me. I haven't heard back. I
3 remind this Court that both attorneys accused each
4 other of fraud, before and during the trial, and the
5 issue of fraud is an issue on appeal. However, I
6 believe for judicial economy, these issues can be
7 resolved at the trial court with proper scheduling
8 and hearing of motions.

9 I remind this court of Paragraph 7 of Inger's
10 March 17th, 2025, Emergency Motion to Withdraw. It
11 says, "The undersigned will -- " "The undersigned
12 will provide the proof of fraud to the relevant
13 courts as she remains convinced that the plaintiffs
14 are the only ones who committed any wrongdoing in
15 this case, as well as all the other cases involved
16 related to this matter." This court proceeded to
17 issue a charging lien in Ms. Garcia's favor, without
18 a hearing, and without time for opposition by my
19 clients. Ms. Garcia has refused to come forward to
20 my office and share any strategy, or plan she had
21 during the last three years and during the trial
22 and, instead, seeks a large payment of fees before
23 getting any of that information. It's my assertion,
24 this is not a proper position and it's greatly
25 prejudiced my client. My client and I have already



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1 submitted this position to the Appellate Court.

2 As Your Honor is probably aware, from some of
3 the status filings, Ms. Garcia has, also, sought to
4 come forward as a federal whistleblower, with
5 whistleblower protection against fraud in both
6 bankruptcy cases and state cases, including this
7 one. To my knowledge, this hasn't happened yet.
8 This is why our position is not -- is nothing should
9 move forward without Ms. Garcia being compelled by
10 this Court to declare the fraud she asserts, as she
11 asserted in Paragraph 3 of her motion and not before
12 a deposition, which we want to take Ms. Garcia and
13 Mr. Sweetapple occurred. Mr. Sweetapple's
14 deposition was scheduled, but never occurred and we
15 have no idea why. And we can't find out why it
16 would've never occurred. This is why we also
17 believe the Court should modify any prior Order and
18 allow full public access via Zoom and in person and
19 only issue an order relating to publish --
20 publishing personal recordings, as this is a civil
21 case with so many allegations of fraud. Only the
22 sunlight, you know, is -- will bring to justice,
23 which is required. Ms. Garcia's deposition and Mr.
24 Sweetapple's deposition should be scheduled before
25 any rulings on any of the pending motions.



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1 Paragraph 5 of the recent Case Management
2 Order, D-438, should be amended so that the
3 defendants are able to file all such motions after,
4 and I emphasize after, depositions of Ms. Garcia and
5 Mr. Sweetapple occur. At least 15 days should be
6 allowed for the defendants to file for any other
7 relevant discovery, which we find would be
8 necessary. At least ten days should be allowed for
9 Candice and Eliot Bernstein to respond to the
10 homestead issue. This was due to my eye surgery
11 delays and the longstanding case law that the
12 problems of the attorney shall not bear upon the
13 clients. You know, this was an innocent oversight.

14 THE COURT: Do you have paragraphs for me, that
15 are from that order?

16 MR. SWEETAPPLE: We specifically addressed it
17 at the last Case Management --

18 THE COURT: Conference.

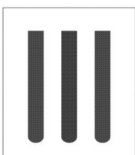
19 MR. SWEETAPPLE: -- conference.

20 MR. CVELBAR: Okay, Your Honor, I'm just about
21 through. I was just going to get into the record.
22 If I can just go a little bit more --

23 THE COURT: Sure.

24 MR. CVELBAR: -- I'd appreciate it.

25 THE COURT: If I can -- I guess I'm just



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1 curious. Why not file that with the Court, instead
2 of read it into the record?

3 MR. CVELBAR: I could do that, Your Honor. I
4 mean, if --

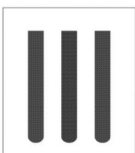
5 THE COURT: It's okay. I mean, you continue.
6 I'm just --

7 MR. CVELBAR: Okay. I'm almost through, Your
8 Honor. I understand. And Paragraph 3 of the
9 current Order, I also will file it, if the Court
10 wishes. The -- Paragraph 3 under says, "All
11 deadlines will be continued, pending the results of
12 that hearing." All deadlines in relation should
13 continue pending until this initial meet and
14 conference, and any rulings on the redaction of
15 production issues.

16 Items 1 through 4 should be scheduled in
17 coordination with Item 3 from the prior order and
18 any claim to video, or inspect the property in any
19 motion for reinstating the sale should be stayed and
20 not determined until all of the items above have
21 been resolved.

22 THE COURT: Ms. Miller?

23 MS. MILLER: Good morning, Your Honor. First
24 and foremost, I'd like to clarify my position
25 regarding Inger Garcia, which I don't think was



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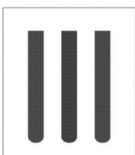
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1 accurately portrayed. What I said to Mr. Cvelbar
2 was, per the Court's prior CMC, there were two
3 issues. There's the attorney's fees issue and,
4 then, there's the foreclosure case. These are not
5 the same issue. So in your CMC order, there was
6 very clear that there were certain paragraphs that
7 had to do with the attorney's fees issue, where
8 Inger Garcia is concerned, because she was a party
9 in that order that you entered that triggered this.
10 However, she's no longer Counsel of Record. This
11 is, specifically, to this foreclosure case and these
12 issues. It says, on our Notice of Hearing, that we
13 will not be discussing the attorney's fees issue,
14 specifically to make sure that there was no question
15 about that. When Ms. Garcia did e-mail me this, I
16 responded and said the same thing.

17 We're here for two separate issues. We are not
18 talking about attorney's fees here. I had a meeting
19 for Mr. Cvelbar. I had a meeting for Ms. Garcia.
20 When I was talking to Mr. Cvelbar, we talked about
21 both the attorney's fees issues and this foreclosure
22 case. As he stated in his statement, earlier, he is
23 seeking to have depositions taken into all of these
24 things, that it's our position, at this point,
25 there's no reason that these need to go forward.

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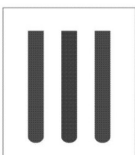
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1 The time for any depositions have long passed. The
2 reason that Mr. Sweetapple's deposition was not
3 taken was because we continued the hearing. And
4 Your Honor had said, if you want to get these
5 depositions taken, you have to get them scheduled.
6 You have to keep moving. We're not going to just
7 keep this case going, you know, forever.

8 Right now, you have a motion to allow us --
9 well, it's a Motion to Compel, for them to follow
10 the order that you previously entered for an
11 inspection of the property. We have the Motion to
12 Reinstate the sale and we have the homestead motion.
13 The last CMC, Your Honor gave Mr. Cvelbar, as you
14 said, time to amend, you know, file do anything he
15 wanted to prior to the date in the order, which I
16 believe was the 21st, which was a week after we had
17 to file our response. Our response was by the --
18 timely filed. Nothing was done.

19 That CMC was July 31st. Today is September
20 9th. There has been no motion for extension placed
21 on the record. While I understand that he's saying
22 that there's appellate issues and that we haven't
23 certified what's on the record -- what's on the
24 record is on the record. We don't -- I am uncertain
25 why he says we have to certify anything and the



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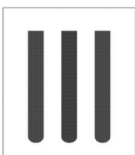
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1 Court should note, we are not appellate Counsel. So
2 it is not proper for us to discuss any appellate
3 issues with him. And as we have told him several
4 times, the appellate attorney on this case, that's
5 Katherine Lewis, who has been in contact with Mr.
6 Cvelbar.

7 So as far as appellate issues, we don't want to
8 touch those. We have nothing to do with it. We
9 have no position on it because that's not our case.
10 But for the case at hand, you know, Mr. Cvelbar said
11 that Eliot and Candice need to respond to our
12 response to the homestead motion. However, they're
13 not pro se. Mr. Cvelbar is the attorney in this
14 matter. So it would be improper for them to respond
15 to that except through their attorney. So it's my
16 position that at this point, there's no need to stay
17 this matter. There's no need to do extensive
18 discovery on a supposed fraud that -- there's been
19 nothing proven to get us to a point where we should
20 have to yet again, put this case on hold. It's been
21 on hold for a very long time. It's there's no
22 reason at this point in our position that's been
23 given that has any merit of why we should not be
24 going forward with this. We've complied as the
25 Court has directed. There's been no motion for an



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1 enlargement of time or an extension or anything like
2 that filed as to any filings that they would like to
3 do. So as for us, it's our position that we are
4 here, we are ready and -- you know, we would like to
5 schedule this matter to continue to move forward.

6 THE COURT: And how much time do you believe
7 that those matters need for argument or are the
8 matters can be addressed on the different --

9 MS. MILLER: Your Honor, I am happy for them to
10 be addressed on the papers. If you feel that after
11 that you need for us to come in, I don't think that
12 -- I think the -- let me take each one separately.
13 The order to compel them to follow your previous
14 order and allow an inspection on the home. I think
15 that can be done on the papers. I think you could
16 rule on that now or if you had to -- no longer than
17 a five-minute UMC.

18 We need to do the homestead motion prior to the
19 motion to reinstate the sale. Homestead motion, I'm
20 happy to rule on the papers if you want us to come
21 in. I don't think you should need more than -- being
22 generous -- 15 minutes. We stand on our position.

23 And then for the motion to reinstate the sale
24 pending your outcome on that homestead motion, it's
25 our position that if you don't find that they have



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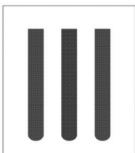
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1 these homestead rights, that it should be an
2 automatic entry of that motion to reinstate the sale
3 as the -- for the bankruptcy that was filed, which
4 caused the sale to be canceled was filed prior to
5 the time that it was allowed. It was still during a
6 period where there was a bankruptcy, the bankruptcy
7 court had said you cannot file any bankruptcy during
8 this time.

9 So the Court should also know that the sale
10 went forward. This is not something where it was
11 canceled prior to. The sale went forward. We were
12 the winning bidder. There's a bid sheet that's
13 online, on the docket. Everything has happened as
14 it needed to happen. And the pre-sale contingencies
15 were met. So now it's a matter of just simply,
16 rather than resetting the sale, being able to
17 reinstate the sale so that our client can be put
18 back into the position of the winning purchaser at
19 that time.

20 MR. CVELBAR: Just -- you know, to reiterate,
21 Your Honor -- you know, I don't think we're asking
22 for too much in this case. You know, as I said --
23 you know, Your Honor, it was 15 days to file any
24 other relevant motions that we may have for --

25 THE COURT: Why was there no motion for



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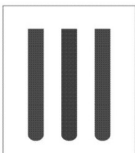
1 extension of time that had been filed since our case
2 management conference on July 23rd? Do you needed
3 more time? I understand you have -- I -- you had an
4 -- position you're reading to me from a document
5 that apparently someone created. So how come a
6 motion for extension of time to the deadline wasn't
7 filed? Just asking me once the deadline is 20 days
8 past for additional 15 days?

9 MR. CVELBAR: I understand, Your Honor, but --
10 you know, truthfully, it was yesterday when I had
11 the stitches removed and -- you know, this is the
12 first time I could see. I mean, I could see without
13 glasses for the first time in 55 years -- you know,
14 it feels like a new world to be honest with you, but
15 I still need them to read. So it was -- you know,
16 this was totally just happened yesterday, literally
17 yesterday.

18 THE COURT: Okay. So then why couldn't it be
19 done before that? Before the surgery?

20 MR. CVELBAR: I didn't know exactly how it was
21 going to go, Your Honor. I didn't know how much
22 time would be needed and, you know, I was
23 thinking --

24 THE COURT: But you're asking for -- you're
25 asking me for more time. So I guess you would've



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1 known that you would've needed more time. You may
2 not have known the exact number but --

3 MR. CVELBAR: No, Your Honor. I apologize,
4 Your Honor that I -- that wasn't done. I really
5 don't see how it could harm anyone. I mean -- you
6 know, we're here to -- you know, have justice
7 served. You know, I'm not asking for that much more
8 time. This is just -- you know, basic time -- you
9 know, to complete -- you know, all this time and
10 effort that has been expended in this matter --

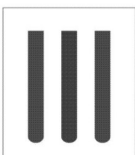
11 THE COURT: Right.

12 MR. CVELBAR: -- by all parties. I really
13 don't feel that it's asking for too much. I really
14 feel that it -- you know, justice would require it.

15 THE COURT: With -- I hear what you're saying.
16 And certainly medical conditions of Counsel are
17 paramount concerns to Court. I understand that, but
18 how did we get here? We got here from a 2018
19 foreclosure that there was a final judgment, I
20 believe was entered in 2020. Was it 2020 or 2022?

21 MS. MILLER: I believe it's 21.

22 THE COURT: 2021. It was an appeal. All
23 appeals were either denied or dismissed. Then there
24 was a Motion for Fraud on the Court, which you're
25 saying, we need to further discovery on, there's a



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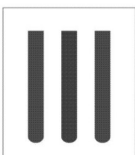
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1 Motion for Settlement Agreement. We had over a year
2 of litigation of that until the Court entered an
3 order in March, which is the matter that's on field
4 currently, finding that the settlement agreement was
5 fraudulent and finding that Ms. Garcia's allegation
6 of fraud had not been supported up until then. And
7 it had been waived.

8 I entered a scheduling order. Actually, no, I
9 entered the order of foreclosure. And then there
10 was a bankruptcy filing, which was not in time,
11 which should not have ever canceled the foreclosure
12 sale. But the clerk was not aware that the
13 litigants were prohibited from filing additional
14 bankruptcies. So the time for discovery has passed.
15 The time for briefing all these issues have passed.
16 I found, and so has the Federal Bankruptcy Court,
17 that the defendants in this case are acting in a
18 dilatory fashion. This just seems like a further
19 pattern of dilatory conduct to delay the issues in
20 this case. There needs to be some level of finality
21 in this. So I don't find that -- I think I was as
22 clear as I could be, which may not have been clear
23 enough but I think I was as clear as I could be,
24 with respect to our last case management conference
25 that I am bifurcating the issues with respect to Ms.



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1 Garcia attorney's fees and with respect to the
2 foreclosure that is now consistent.

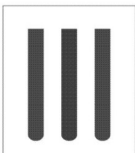
3 And I gave additional time to file, nothing was
4 filed. So I find that it's been late. I find that
5 any additional filing has been late. So really then
6 the question is, for the three matters, can they be
7 resolved upon the papers or does the law require me
8 to conduct an adventure?

9 MR. CVELBAR: I think they can, Your Honor.

10 THE COURT: Okay. And they're brief. I have
11 the filings. I will enter an order review course.
12 And we'll proceed.

13 With respect to the foreclosure part, which is
14 proceeding, I'm not commenting on anything that the
15 Fourth does, and I'm not clearly -- I'm not on the
16 Fourth District, so I have nothing to do with that,
17 but I have just three motions remaining.
18 Foreclosure action for me, I will enter an order
19 with respect to those motions and then we will
20 continue with the attorney's fees issue, which does
21 -- I agree with you. Anything with respect to that
22 does require Ms. Garcia's presence because in
23 addition to your class, she's also account -- to be
24 allowable for those. She doesn't need to be.

25 So I'm in a very long trial, right? Get that



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1 taken care of. And then I will enter an order as
2 soon as I need to, okay? Anything else that we need
3 to address or that we need to address today --

4 MR. CVELBAR: Not from me. Not from defense,
5 Your Honor.

6 MS. MILLER: No, Your Honor. Thank you.

7 THE COURT: All right. Thank you for your
8 time.

9 (Hearing concluded at 9:21 a.m. ET)

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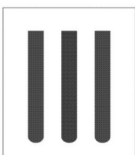
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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF ORANGE)

I, NICOLE WARD, Court Reporter and Notary Public
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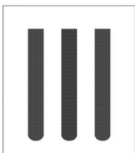
I FURTHER CERTIFY that I am not of counsel for,
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Submitted on: September 12, 2025.



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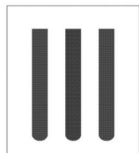
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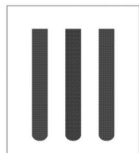
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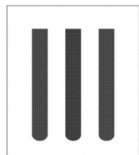
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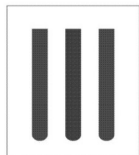
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