

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

CASE NO.: 2018-CA-002317

WALTER E. SAHM and
PATRICIA SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC,
BRIAN O'CONNELL, AS SUCCESSOR
PERSONAL REPRESENTATIVE OF
THE ESTATE OF SIMON L. BERNSTEIN;
ALEXANDRA BERNSTEIN, ERIC BERNSTEIN,
MICHAEL BERNSTEIN, MOLLY SIMON,
PAMELA B. SIMON, JILL IANTONI,
MAX FRIEDSTEIN, LISA FRIEDSTEIN,
INDIVIDUALLY AND TRUSTEES OF
THE SIMON L. BERNSTEIN REVOCABLE
TRUST AGREEMENT DATED MAY 20, 2008,
AS AMENDED AND RESTATED;
ELIOT BERNSTEIN, AND CANDICE
BERNSTEIN, INDIVIDUALLY AND AS
NATURAL GUARDIANS OF MINOR
CHILDREN JO., JA. AND D. BERNSTEIN;
AND ALL UNKNOWN TENANTS.

Defendants.

/

NOTICE OF FILING TRANSCRIPT OF DECEMBER 15, 2025, HEARING

PLEASE TAKE NOTICE that the Plaintiff, CHARLES REVARD, as Guardian of the Ward, Patricia Sahn, by and through her undersigned counsel, hereby give notice of filing the attached *Hearing Transcript* from December 15, 2025.

Respectfully Submitted,

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By: /s Robert A. Sweetapple
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Florida Bar No. 0296988

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the e-filing portal to all counsel of record this 17th day of December, 2025.

By: /s Robert A. Sweetapple
ROBERT A. SWEETAPPLE
Florida Bar No. 0296988

ORIGINAL

1 IN THE CIRCUIT COURT OF THE 15TH
2 JUDICIAL CIRCUIT IN AND FOR
3 PALM BEACH COUNTY, FLORIDA
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DIVISION AO

4 WALTER E. SAHM and PATRICIA SAHM,
Plaintiffs,

5
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6 BERNSTEIN FAMILY REALTY, LLC, BRIAN O'CONNELL, AS
7 SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE OF SIMON
L. BERNSTEIN; ALEXANDRA BERNSTEIN, ERIC BERNSTEIN,
8 MICHAEL BERNSTEIN, MOLLY SIMON, PAMELA B. SIMON, JILL
IANTONI, MAX FRIEDSTEIN, LISA FRIEDSTEIN, INDIVIDUALLY
9 AND TRUSTEES OF THE SIMON L. BERNSTEIN REVOCABLE TRUST
AGREEMENT DATED MAY 20, 2008, AS AMENDED AND RESTATED;
10 ELIOT BERNSTEIN, AND CANDICE BERNSTEIN, INDIVIDUALLY AND
AS NATURAL GUARDIANS OF MINOR CHILDREN JO., JA. AND D.
11 BERNSTEIN; AND ALL UNKNOWN TENANTS.
Defendants.

12
HEARING

13
14 DATE: DECEMBER 15, 2025
15 REPORTER: AMANDA GELMAN

APPEARANCES

ON BEHALF OF THE PLAINTIFFS, WALTER E. SAHM and PATRICIA SAHM:

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ON BEHALF OF THE DEFENDANTS, BERNSTEIN FAMILY REALTY, LLC, BRIAN O'CONNELL, AS SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE OF SIMON L. BERNSTEIN; ALEXANDRA BERNSTEIN, ERIC BERNSTEIN, MICHAEL BERNSTEIN, MOLLY SIMON, PAMELA B. SIMON, JILL IANTONI, MAX FRIEDSTEIN, LISA FRIEDSTEIN, INDIVIDUALLY AND TRUSTEES OF THE SIMON L. BERNSTEIN REVOCABLE TRUST AGREEMENT DATED MAY 20, 2008, AS AMENDED AND RESTATED; ELIOT BERNSTEIN, AND CANDICE BERNSTEIN, INDIVIDUALLY AND AS NATURAL GUARDIANS OF MINOR CHILDREN JO., JA. AND D. BERNSTEIN; AND ALL UNKNOWN TENANTS.:

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Also Present: Honorable John J. Parnofiello; Deputy Sandman, Bailiff



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STIPULATION

The hearing was taken at the PALM BEACH COUNTY
COURTHOUSE, 205 NORTH DIXIE HIGHWAY, ROOM 11E, WEST PALM
BEACH, FLORIDA 33401 on MONDAY the 15th day of DECEMBER
2025 at 11:37 a.m. (ET); said hearing was taken pursuant
to the FLORIDA Rules of Civil Procedure.



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1 PROCEEDINGS

2 THE BAILIFF: All rise. Court is now in
3 session. Honorable John Parnofiello now presiding.

4 THE COURT: Good morning, everybody. You all
5 can be seated.

6 UNIDENTIFIED SPEAKER 1: Good morning.

7 THE COURT: Good morning.

8 MR. CVELBAR: Happy Hanukkah.

9 THE COURT: Good morning.

10 So we're here on case 2018-CA-2317. May I have
11 the appearances of the parties, please?

12 MR. CVELBAR: Good morning, Your Honor. Eric
13 Cvelbar on behalf of Bernstein Family Reality.

14 THE COURT: Mr. Cvelbar, good morning.

15 MS. MILLER: Good morning. Cynthia Miller here
16 on behalf of the plaintiffs.

17 THE COURT: Ms. Miller, good morning.

18 So the plaintiffs had noticed the defendant's
19 objection to the sale for hearing today. A question
20 that I had at the outset is, isn't this an
21 evidentiary hearing? And if so, the matter is set
22 at -- scheduled as a non-evidentiary matter.

23 MS. MILLER: So I had reached out to Mr.
24 Cvelbar to see how long he felt he needed for this.
25 He indicated half an hour. I have those e-mails if



1 you would like to see them. And so that's what we
2 went, based upon is what Mr. Cvelbar said we needed
3 for his motion -- or his objections to be heard.

4 THE COURT: Mr. Cvelbar? Or is it Cvelbar or
5 Cvelbar?

6 MR. CVELBAR: Cvelbar.

7 THE COURT: Cvelbar. Mr. Cvelbar.

8 MR. CVELBAR: Yes. Your Honor, obviously there
9 was some confusion. I'm not saying that, you know,
10 that she doesn't have that, that 30 minutes. But
11 obviously, 30 minutes for everything that's thing
12 just isn't enough. You know, there's a lot of
13 witnesses and everything that need testified. If --
14 we need several hours, a whole day, basically.

15 THE COURT: Okay. Ms. Miller, what's your
16 position with respect to how long you actually
17 anticipate this matter being?

18 MS. MILLER: It's my position that most of the
19 objections that are listed are either improper or
20 have been previously ruled upon by the Court. Or
21 don't apply because they, you know, are using an
22 incorrect rule that they're relying upon.

23 As far as I'm concerned, for us, I can discuss
24 this in ten minutes and feel like I fully addressed
25 everything. So really, you know, I don't think at



1 this point -- when we were last before you, we
2 talked about the witnesses and the discovery and
3 everything that they had wanted to pursue. And, you
4 know, we're -- realistically, this has to do
5 specifically with the judicial sale. This doesn't
6 have to do with the magnitude of issues that they're
7 trying to pull into this. And quite honestly yet
8 again, that they've continued to do. And I think
9 it's really becoming an abuse of judicial economy
10 and the Court's time to try to re-litigate ad
11 nauseam the same issues over and over again.

12 So like I said, there are one or two issues
13 that I'm happy to address. But besides that, I
14 don't think there's any merit to the majority of the
15 objections that have been listed.

16 THE COURT: Mr. Cvelbar, some -- Mr. Cvelbar,
17 some of the -- I'm sorry. Some of these are -- do
18 appear to be duplicative to other issues that other
19 courts have ruled on or this Court has ruled on.

20 Like for example, certain witnesses not having
21 been called by Ms. Garcia. Isn't that really more
22 of a -- sorry. Isn't that really more of an
23 objection to the way Ms. Garcia conducted the
24 hearing? As opposed to an issue with the -- an
25 objection to the certificate of title? And --



1 MR. CVELBAR: Well --

2 THE COURT: -- and if so, isn't that the
3 substance of the matter that's up on appeal?

4 MR. CVELBAR: Well, it -- that is a matter
5 that's on review, Your Honor, that's for sure. And,
6 you know, basically, and I'm sure the Court is
7 aware, the -- really the review that's going on by
8 the Fourth DCA really needs to be determined before
9 we really could go along, could go forward in this
10 matter.

11 I mean, even if this Court would go forward and
12 make a ruling in this case, whether it's for -- in
13 our favor or the plaintiff's favor, it really
14 wouldn't -- it's not a valid order. Because the
15 matter, the Fourth DCA is the one who has
16 jurisdiction in this case. And until the Fourth DCA
17 rules on this matter, we're at a standstill.
18 Nothing can be done. This Court doesn't have
19 jurisdiction while it's in the matter of the Fourth
20 DCA.

21 THE COURT: Have you sought a stay in front of
22 the Fourth DCA?

23 MR. CVELBAR: I'm sorry?

24 THE COURT: Have you sought a stay of the --

25 MR. CVELBAR: We have.



1 THE COURT: And did they rule on it?

2 MR. CVELBAR: They're -- that -- what they
3 actually did. They're -- they're asking for briefs
4 to be filed by the defendants in this case. It did
5 this past Monday, the Court did. The Court did
6 issue a stay in this matter on this past Monday.

7 MS. MILLER: I am not appellate counsel.

8 THE COURT: Isn't --

9 MS. MILLER: However, it's my understanding
10 that there has not been an actual motion for stay
11 that's been sought for 729.310.

12 THE COURT: Mr. Cvelbar, are you the appellate
13 counsel for the defendants?

14 MR. CVELBAR: Oh, okay. Your Honor, I was --
15 just turned -- I thought it was filed. I guess it's
16 going to get filed today.

17 THE COURT: So it has -- there --

18 MR. CVELBAR: I thought -- I thought that it
19 had already.

20 THE COURT: So there is not a stay that is
21 pending?

22 MR. CVELBAR: They -- okay, Your Honor, you're
23 right. I apologize, Your Honor. They didn't issue
24 a stay. But they did issue an order this past
25 Monday giving the plaintiff 30 days to reply to our



1 objections. They -- they haven't replied to any of
2 this --

3 THE COURT: But wasn't that -- wasn't the order
4 that they just issued directing the plaintiffs to
5 respond because there was an issue as to whether or
6 not to accept your untimely filed brief? And then
7 ultimately they just -- they chose to accept it.

8 MR. CVELBAR: They did accept it.

9 THE COURT: And upon the acceptance, then it
10 triggers the plaintiff's obligation to respond.

11 MR. CVELBAR: Correct.

12 THE COURT: Okay. Okay. I know many of these
13 objections deal with the evidence that was adduced
14 at the -- during the motion to set aside the
15 settlement agreement. Those would be covered by the
16 appeal, but they would -- they would not be a basis
17 to object to the sale. And then there's a lot of
18 objections with respect to me not disqualifying
19 myself from the case. Was there ever a writ of
20 prohibition with respect to any of my orders denying
21 disqualification?

22 MR. CVELBAR: Not that I'm aware of, Your
23 Honor.

24 THE COURT: Okay. So those wouldn't form a
25 basis for setting aside the sale. Ms. Garcia



1 indicating that she has information of fraud and all
2 that -- all those things --

3 MR. CVELBAR: Correct.

4 THE COURT: -- that was the subject of many
5 hearings that we had, and it's -- this motion finds
6 error in the Court not calling witnesses, but it's
7 not the Court's responsibility or ability to call
8 witnesses to present the defendant's side of the
9 case, it's Defense Counsel's responsibility to do
10 that, isn't it?

11 MR. CVELBAR: Yes, Your Honor.

12 THE COURT: Okay. So those are not valid bases
13 to set aside. But what I do -- what I do find --
14 and I know that the case law requires the Court to
15 hold an evidentiary hearing --

16 MR. CVELBAR: Correct.

17 THE COURT: -- on the issue -- the objections
18 to the sale price being grossly inadequate, and
19 irregularities with the actual sale itself. I'm
20 required to do that before I can have a hearing, and
21 it's error not to do that.

22 Are we in a position to do that today with the
23 time that we have? If not, what my inclination
24 would be to do is to enter an order indicating that
25 objection -- any objection past 5, Paragraph 5, of



1 their objections are not appropriate objections to
2 the certificate of sale, but objections 1 through 4
3 would be appropriate, and then requiring the parties
4 to have a hearing on that as soon as practicable,
5 unless the Fourth District Court of Appeals enters a
6 stay.

7 So what are your thoughts?

8 MS. MILLER: Again, I very clearly put out that
9 we were -- just to clarify, I -- let me just really
10 quickly advise that if -- I said, "As you anticipate
11 meeting multiple hours for the hearing, your
12 divisional instructions require the following," and
13 it was -- what it says here is, "Hearing is
14 anticipated to exceed 30 minutes," the type of case,
15 copies, each party's respective estimate. Upon
16 review you'll decide how long you would give us.

17 We asked him, he didn't respond. We sent him
18 another e-mail, and what I got back was half an
19 hour. So that's what I scheduled this based upon.
20 So realistically, it's their burden to prove that
21 there was any issue with that. We gave them -- I
22 mean, we sent that e-mail over on -- let's see --
23 apologies -- October 28th. He got back to us on
24 November 5th.

25 So we believe that it's on -- it's on the



1 defendants to be prepared to come here and present
2 whatever evidence they have at that point, because
3 we did not -- it's not as if we unilaterally set
4 this and picked a half an hour. We specifically
5 went -- we specifically asked, because we
6 anticipated that they would request more time. They
7 only requested half an hour. We sent it to your --
8 to your -- to your JA. Your JA gave us time. We
9 cleared dates with Mr. Cvelbar.

10 MR. CVELBAR: I --

11 MS. MILLER: He told us which date would work.
12 Each one said it was for a 30-minute hearing, so for
13 us, I'm here and I'm ready to go forward.

14 MR. CVELBAR: If I could -- if I may, Your
15 Honor, I remember now what it was, why I said 30
16 minutes. Because the -- what I got from the Court
17 as the availability, they said that they had a 30-
18 minute slot available today on this date, and that
19 -- and it was my understanding that that was the
20 only -- that there was no other option other than 30
21 minutes if we were going to have this day.

22 MS. MILLER: I --

23 MR. CVELBAR: That was my understanding. Now,
24 whether the e-mail --

25 MS. MILLER: Just --



1 MR. CVELBAR: -- what exactly words it says,
2 I'm not sure, but --

3 MS. MILLER: You might -- I just --

4 MR. CVELBAR: All right --

5 MS. MILLER: -- just so you can see, the top
6 one is when you discuss how long you need, and my
7 initial e-mail to you is underneath. I don't know
8 if the Court wants a copy or if we can just -- you
9 know, but I don't want to --

10 MR. CVELBAR: Yeah, I do remember saying that
11 that date works for me.

12 MS. MILLER: But --

13 MR. CVELBAR: Okay. This is what it was. It
14 was saying, "Below are some 30-minute dates -- "

15 MS. MILLER: If you look at the --

16 MR. CVELBAR: " -- before 12:25."

17 MS. MILLER: If you look at the e-mail prior
18 that I sent to you --

19 MR. CVELBAR: Okay.

20 MS. MILLER: If you go to the second page, I
21 specifically say that we anticipate you're going to
22 want multiple hours, this is what we would need,
23 this is the procedure to do so. And then you
24 answered that half an hour.

25 MR. CVELBAR: Well --



1 MS. MILLER: So it's a little disingenuous to
2 say that that was -- you just received dates and
3 assumed, because we -- I just want to defend the
4 fact that I did --

5 MR. CVELBAR: I understand. I --

6 MS. MILLER: -- to best efforts to accommodate.

7 MR. CVELBAR: I didn't mean to say that you
8 weren't -- that you were disingenuous. I know what
9 you were saying. What it was is that, when I saw
10 that 30 minutes on there, I thought the Court was
11 requiring one of those dates and then I said this
12 was one date that I could come for 30 minutes. I
13 knew that 30 minutes wouldn't be enough for the
14 hearing, not for the amount of witnesses that we
15 have. That's the thing.

16 MS. MILLER: I mean, I'm happy to present those
17 to the Court if you'd like to see them --

18 THE COURT: Well, I guess my question is, how
19 many witnesses do you have with respect to
20 paragraphs 1,

21 2 --

22 MR. CVELBAR: I think there's, like, six or
23 seven witnesses that we absolutely need.

24 MS. MILLER: So from one to four?

25 THE COURT: From one to four.



1 MS. MILLER: That's an adequate sales price,
2 straw buyer, irregularity of the sale.

3 THE COURT: Which usually -- I'll tell you,
4 I've had these hearings on UMCs. They don't usually
5 take days.

6 MR. CVELBAR: I would say we would need a half
7 a day, anyway.

8 THE COURT: Okay.

9 MR. CVELBAR: If we could have a half a day,
10 Your Honor.

11 THE COURT: And who are your witnesses?

12 UNIDENTIFIED SPEAKER 2: They're listed in
13 there.

14 MR. CVELBAR: They're listed here, Your Honor.

15 THE COURT: You tell me. You tell me how
16 you're going to prove Paragraphs 1 through 4.

17 MR. CVELBAR: Yes, under number 7 we're going
18 to need William Stansbury (phonetic), notaries of
19 Patricia Sahm's --

20 THE COURT: How is Mr. Stansbury, who has the
21 affidavit which you all have reference to which was
22 never admitted into evidence -- how is he going to
23 shed any light on whether or not the sale that took
24 place is inadequate or there's a straw buyer or the
25 sale was otherwise somehow statutorily irregular?



1 MR. CVELBAR: Well, you hit on it, Your Honor,
2 what you're saying about a straw buyer. He would
3 testify as to the fraud that was involved in this
4 case.

5 THE COURT: Okay. What's -- as a proffer of
6 his testimony, what would he tell me?

7 I'll tell you, I -- because I have some
8 concerns. I -- I've seen -- I've seen, I think in a
9 motion, I don't remember what motion, but there's --
10 one of the bases to invalidate this is that the
11 Court ruled without a hearing. But the last time we
12 had a hearing, Mr. Cvelbar, you told me you agreed
13 with Ms. Miller that I could -- I could rule on the
14 papers. And I asked today if there was a stay in
15 place from the Fourth and you indicated that there
16 was, and there is not in fact a stay in place. So
17 I'm very -- I -- I'm starting to have concerns about
18 candor to the Court.

19 MR. CVELBAR: I -- I'm sorry, Your Honor. I --
20 the ruling Monday -- I knew that there was a ruling
21 Monday. I -- I'm sorry, it wasn't a stay. I -- it
22 wasn't a stay, Your Honor. I --

23 THE COURT: I know that.

24 MR. CVELBAR: I'm sorry.

25 THE COURT: I know that. So that's two rather



1 glaring errors in representations that have been
2 made to the Court in the two hearings that we've
3 had. So I really question if you actually need this
4 amount of time, or if this isn't just a further
5 attempt to delay the trial court proceedings.

6 MR. CVELBAR: It's not an attempt, Your Honor,
7 to delay. It's being done in good faith. I could
8 assure you that.

9 THE COURT: Okay, so then what would Mr.
10 Stansbury testify to?

11 MR. CVELBAR: Your Honor, he's been, you know,
12 just, you know, you know, conveying to us that there
13 was a lot of fraud going on in this case.

14 THE COURT: Okay. You have said fraud many
15 times; what fraud?

16 MR. CVELBAR: Your Honor, he did submit an
17 affidavit. That's --

18 THE COURT: But wasn't that affidavit with
19 respect to the underlying matter, the 1.540 motion
20 that Ms. Garcia did not want to have heard at the
21 same time that we were hearing the motion to set
22 aside the settlement agreement? So what does it
23 have to do with the actual sale?

24 MR. CVELBAR: I -- you know, I guess, Your
25 Honor, I -- if I may, I would just think that, you



1 know, it would further, you know, the cause of
2 justice if the Court could hear him speak live, you
3 know, testify live. You know --

4 THE COURT: But I would like to know what he
5 would tell me live. Do you know?

6 MR. CVELBAR: I -- other than -- it -- I'll be
7 honest, Your Honor, it's hard for me to say
8 specifically what he would say. You know, he's just
9 -- you know, it -- you know, been very adamant with
10 me that there was a tremendous amount of fraud and
11 he wants to speak on it.

12 THE COURT: So he's a necessary witness that
13 you don't know what he would tell me?

14 MR. CVELBAR: You know, Your Honor, I -- I'm
15 just hesitant to say anything specific -- what he's
16 going to say, you know, because he's told me so
17 much. It's just --

18 THE COURT: Well, like, what's an example of a
19 little bit of what he told you?

20 MR. CVELBAR: Your Honor, I'm speaking with my
21 client. He's telling me the same thing. It's just,
22 he's been talking about fraud. I mean, I don't --

23 THE COURT: Everybody has used the term fraud
24 without ever explaining to the Court what the fraud
25 was. So I would really like to know.



1 MR. BERNSTEIN: You want me to count the ways?

2 THE COURT: No. Because you're represented by
3 Counsel.

4 MR. BERNSTEIN: Okay.

5 THE COURT: I'd like -- I'd like Counsel to
6 tell me.

7 MR. CVELBAR: You know, Your Honor, I could,
8 you know, contact him and have him tell me
9 specifically what he wants to testify to.

10 THE COURT: What would the notaries of Patricia
11 Sahm have to shed light on the sale from the -- from
12 the foreclosure clerk?

13 MR. CVELBAR: The notaries, Your Honor, they're
14 just going to testify as to her competency. They're
15 saying that she was competent at the time she signed
16 it.

17 THE COURT: Okay. So that would -- that would
18 have been information that should have been
19 presented before, but doesn't have anything to do
20 with the sale, correct?

21 Correct?

22 MR. CVELBAR: Correct.

23 THE COURT: Okay. So the notaries are not
24 witnesses. For the discrete purpose that I'm here
25 for, they're not witnesses for that. Let's see.



1 Ms. Sahm, Jr., what would she testify to the sale?

2 MR. CVELBAR: Patty Sahm, Jr., you're saying?

3 THE COURT: Yes, sir.

4 And again, by the sale, I'm talking about the
5 sale that was done following the Court's March 11th
6 order. I don't recall the date in specific.

7 MR. CVELBAR: Your Honor, you're asking me in
8 regards -- what she was saying in regards to the
9 sale.

10 THE COURT: Correct. That is the discrete
11 issue that I'm being called to rule on. The
12 objections to the sale, I have indicated that almost
13 all of these are objections to the way that either
14 Ms. Garcia chose to present the case or the Court's
15 ruling on the underlying case or the Court not
16 disqualifying itself or -- I mean, that's -- those
17 are the really, primarily that. The appeal is
18 mentioned.

19 But primarily, everything after paragraph 5
20 reads to me as either objections to the proceedings
21 that are on appeal, the Court's ruling on the March
22 11th order, the Court's denial of the Motions to
23 Disqualify. So I -- I'm trying to find out of the
24 ones that I do think are valid, are facially valid
25 objections to the sale. That would be Paragraphs 1



1 through 4. Trying to figure out what these
2 witnesses would testify to.

3 There was a time and a place to present the
4 testimony that was -- that you're indicating should
5 have been presented. For whatever reason, the
6 defendants did not present these witnesses. Did not
7 set their Motion for Hearing. And ultimately
8 because of the conduct that the Court found in the
9 March 11th order, that motion was stricken as a
10 sanction. So that is not a basis to object to the
11 sale that the clerk did.

12 So really the only -- I just want to know who's
13 going to tell me that the sale price is grossly
14 inadequate, or that there's a straw buyer.

15 MR. CVELBAR: Your Honor, could the Court
16 indulge us, you know, and have us speak with them
17 and narrow it down to those four? And then we could
18 specifically find out what they could testify to in
19 regards to just those four things.

20 THE COURT: Well, this is the hearing on your
21 objections. So you bear the burden of proof for the
22 hearing. You're telling me that you knew that a
23 half hour wasn't enough, but you booked it anyway.
24 And now you're asking me for another day, whole day.
25 You can't proffer to me what these witnesses would



1 testify to.

2 I do have to ask, are you drafting these
3 pleadings? Or are you signing the pleadings that
4 are provided to you?

5 MR. CVELBAR: We're -- I'm working on them,
6 Your Honor.

7 THE COURT: Okay. And as a -- as a member of
8 the Florida Bar, do you think a proper objection is
9 that the trial court did not call witnesses in the
10 underlying hearing?

11 MR. CVELBAR: The party didn't call witnesses,
12 Your Honor.

13 THE COURT: That's not what it says. It says
14 that the Court did not call -- or did not receive
15 certain evidence that was never provided. And they
16 do seem very similar to some of the pleadings that
17 are filed by -- or were filed by non-parties until
18 the Court had to enter a Spencer Order regarding
19 that.

20 So I'm just curious, what are we doing? What's
21 going on? I mean, we spent -- I've spent a half
22 hour trying to go through your witnesses as to who
23 is going to testify that the sale was irregular or
24 that the price was too low. And I still can't get
25 an answer to that. I can't get an answer to what



1 fraud would be testified to. Just fraud.

2 MR. CVELBAR: Well, you know, Your Honor, if I
3 may, I think it would, you know, serve the interest
4 of justice if these people would testify. You know,
5 they could state, you know, facts that led up to the
6 sale.

7 THE COURT: Like what?

8 MR. CVELBAR: Your Honor, for judicial economy,
9 the Court has already said that we have a right to a
10 hearing. If the Court would allow us to have these
11 witnesses at a hearing and the Court could --

12 THE COURT: How does it serve judicial economy
13 to have a full day of --

14 MR. CVELBAR: It wouldn't have to be a full
15 day, Your Honor.

16 THE COURT: How does it serve judicial economy
17 to have a hearing on things that could have been
18 raised but were not raised at the appropriate time?
19 How does that serve judicial economy? As opposed to
20 just being another dilatory tactic?

21 MR. CVELBAR: Your Honor, I could assure you
22 this isn't a dilatory tactic. You know, these
23 witnesses, you know, we're getting them together,
24 you know, so that they could present.

25 THE COURT: What -- when is the -- when is the



1 time that would be -- the witnesses would be got
2 together to be presented? Because the motion to set
3 aside the final judgment for fraud, I believe was
4 filed in 2022, I think. It was filed at or around
5 the same time that the Motion to Enforce the
6 Settlement Agreement was.

7 It is now the end of 2025. When were these --
8 when was this going to happen? The defendants
9 consistently refused to have the motion to set aside
10 for fraud set -- scheduled during the two days that
11 spanned the course of almost six or seven months.
12 So when is -- when are these people going to come
13 forward?

14 Do you have anybody that can testify to -- that
15 -- about the sales price through admissible
16 evidence? Because Zillow is not something the Court
17 can consider. Do you have anybody that can actually
18 contest the sale price?

19 MS. BERNSTEIN: We can get an appraiser.

20 MR. CVELBAR: Your Honor, the Court is aware
21 that, you know, that we're saying that you're a
22 witness in this. So you know, we're bringing up,
23 you know, is it really appropriate, you know, for
24 you to rule on this when you're going to be a
25 witness in this case, in this matter at the hearing.



1 THE COURT: What would I -- how would I be a
2 material witness?

3 MS. BERNSTEIN: Your Honor, can I just add
4 something? Because --

5 THE COURT: No, ma'am. I can only talk to -- I
6 can only talk to Counsel.

7 MS. BERNSTEIN: Oh.

8 THE COURT: For the parties that are
9 represented by Counsel. If he's your lawyer, you
10 can -- you can talk to him.

11 Mr. Cvelbar, why can't you answer my
12 questions?

13 MR. CVELBAR: Your Honor, if you could go on
14 there, our Objection to Sale number 33.

15 THE COURT: Okay. I'm reading paragraph 33.
16 How would I be a witness to that? A material
17 witness, as defined by the law?

18 MR. CVELBAR: Well, you could testify as to the
19 communications that were made.

20 THE COURT: It says that "I improperly allowed
21 ex parte contact by Mr. Sweetapple." I don't even
22 understand what that means.

23 MS. MILLER: Your Honor, if I may shed a little
24 light onto this? And when we did have our meet and
25 confer on this, I did make you aware of this.



1 I believe he's talking about when there was a
2 scrivener's error on the Certificate of Sale, which
3 was then amended. We filed an Ex Parte Motion with
4 Proposed Order. That was then sent to your
5 chambers, and Mr. Cvelbar was copied at both of his
6 e-mail addresses, so -- and I have copies right here
7 that I can provide to the Court, I can provide to
8 Counsel. And then there's a copy of that e-mail as
9 well, just so you have it.

10 But I advised him of that as well, just to make
11 sure he was aware because this -- you know, that
12 should not be an issue. That's not what happened.
13 He was well aware the day that we sent it over to
14 you that that was occurring. They never raised any
15 objection.

16 THE COURT: Do you have anything to present to
17 me with respect to the sale? Not how we got to the
18 sale, but the actual sale.

19 UNIDENTIFIED SPEAKER 3: The stay was filed.
20 Yeah. Oh, the stay was filed.

21 UNIDENTIFIED SPEAKER 4: The stay was filed.

22 UNIDENTIFIED SPEAKER 3: The stay was filed.

23 UNIDENTIFIED SPEAKER 4: Yeah.

24 UNIDENTIFIED SPEAKER 3: Yeah. Today? Find
25 out.



1 THE COURT: Do you have the --

2 MS. BERNSTEIN: Can we -- can we recess for a
3 second?

4 THE COURT: Sure. Why don't we take a five-
5 minute recess?

6 (A recess was taken.)

7 THE BAILIFF: Come to order. Court is back in
8 session.

9 THE COURT: You all can be seated. All right.
10 So Mr. Cvelbar, I don't -- I don't remember what the
11 last question was when --

12 MR. CVELBAR: Let me just say, Your Honor, the
13 Emergency Motion for Stay on Appeal and Stay Under
14 Florida Rule of Appellate Procedure 9.130(f), it was
15 filed this morning at 10:55.

16 THE COURT: I got you.

17 MR. CVELBAR: You were right on that. You
18 know, basically, Your Honor, you know, we're just
19 saying that -- and I know you asked, you know, what
20 you were going to say. It's basically, you know,
21 what questions we were going to ask you on it as a
22 witness in this case. It was in our motion. It --
23 objection to sale. It spelled out what we were
24 planning on asking you.

25 You know, Your Honor, you're conflicted in this



1 case. I mean, for you know, it wouldn't be proper
2 for you to make a ruling on this. It would have to
3 be heard, the evidentiary hearing, before another
4 judge.

5 THE COURT: Well, there will certainly be
6 another judge that's presiding over the case because
7 I'm leaving the division at the end of the month.
8 So that's not really a concern of mine. But I guess
9 what I'm curious to find out is why did you wait for
10 a -- to file a motion to stay until today? If it's
11 not a dilatory tactic, why not do it upfront at the
12 first time that there was a case management
13 conference?

14 MR. CVELBAR: You know, Your Honor, it may --
15 it might have been pollyannish of me, but I was
16 thinking we could work it out with the other side.
17 You know, that's why it was filed late. I was
18 confident the other side was going to, you know, see
19 our point and we'd be able to work it out.

20 THE COURT: Do you have any authority with
21 respect to manufacturing a conflict by saying that
22 the trial court judge is a witness to obtain a
23 disqualification after, I think, 11 attempts to
24 disqualify him previously?

25 MR. CVELBAR: You know, Your Honor, I wasn't --



1 I haven't been involved in the whole time in this
2 case.

3 THE COURT: Right.

4 MR. CVELBAR: But it's just, you know -- you
5 know, there was a whole lot of things done before I
6 got involved in this case. But you know, from, you
7 know, what I've read and what I've researched, you
8 know, there was things in there and it's in our
9 motion that, you know, we wanted to, you know,
10 question you on, basically.

11 THE COURT: Okay. And do you have any
12 authority for the proposition that I asked you for?
13 Is it your idea or is it your client's idea that
14 you're just ratifying?

15 MR. CVELBAR: I -- you know, I thought -- I'm
16 grasping for the rule, Your Honor, that when a judge
17 is a witness in a case, they're automatically
18 disqualified. It's my understanding under the
19 statute.

20 THE COURT: So that would, I guess, necessarily
21 mean that in any case that a litigant wanted to have
22 a judge disqualified, they could just say that the
23 judge had information, and then the judge would have
24 to disqualify; is that correct?

25 MR. CVELBAR: Well, they would have to



1 recognize that there was a conflict there.

2 THE COURT: Okay. So a litigant could just
3 list the judge as a witness and obtain a
4 disqualification?

5 MR. CVELBAR: No, no. There would have to be a
6 legitimate conflict.

7 THE COURT: Okay.

8 MR. CVELBAR: The conflict would have to be --

9 THE COURT: What information would I have with
10 respect to this -- the objections to the sale that
11 are actually objections to the sale as opposed to
12 objections to the entire procedure that came before
13 the sale? That being the sale price, the straw
14 buyer, or bidder?

15 MR. CVELBAR: Well, I don't know any better way
16 to say it, Your Honor, except that what was put
17 forth in our motion. You know, what I mean? Know
18 what I mean? You know, the Court agrees I'm reading
19 it and I mean, you know, you make the call. But you
20 know -- you know, these are just things that we're
21 stating.

22 THE COURT: Okay. All right. My -- I am
23 incredibly disturbed at what has gone on throughout
24 this entire case. I don't -- I find that the
25 objections to sale are not legally sufficient to



1 require a hearing to the extent that they are --
2 there -- they would be issues on appeal as to the
3 underlying ruling of the Court, and I would not
4 grant rehearing of that prior ruling. My only
5 concern is with the pendency of the stay.

6 I'm denying the -- I'm overruling all of the
7 objections to the sale. However, I'm not going to
8 enter an order to that effect until I know whether
9 or not the Fourth is going to stay the matter.
10 Because if the Fourth chooses to stay the matter,
11 then I don't think it's appropriate for me to enter
12 that order. But I will ask that an order denying
13 the -- or overruling the objection to the sale is
14 legally insufficient be prepared, be circulated to
15 counsel, and not be provided to the Court for
16 signature until -- unless or until the Fourth denies
17 the stay. If they grant the stay, then I will leave
18 it up to the new judge taking over to rule on the
19 matter.

20 But you are entitled to a hearing. You've had
21 your hearing. You cannot articulate a legally
22 sufficient basis as to the sale price. You agreed
23 to 30 minutes, and we've gone way over that. So I
24 find that we've had the hearing. But like I said,
25 I'm not entering the order until I know whether or



1 not the matter is stayed. That's the order of the
2 Court.

3 Good luck, everyone.

4 (Hearing concluded at 12:29 p.m. ET)

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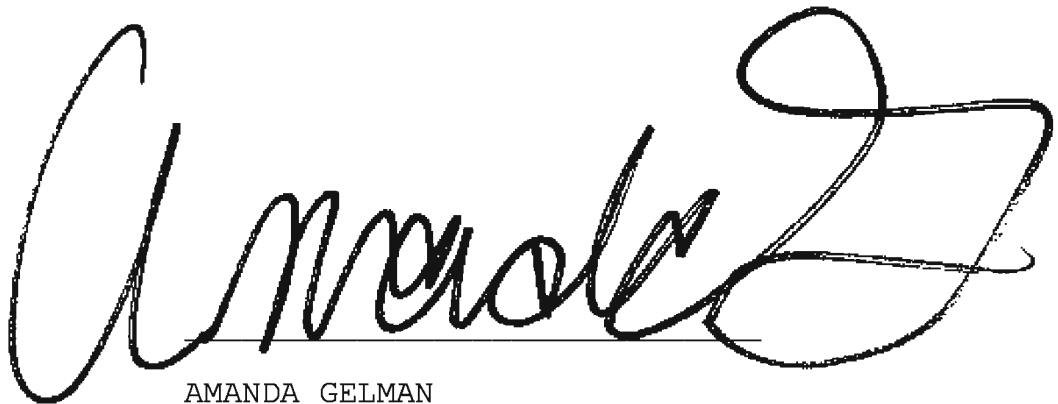
STATE OF FLORIDA)

COUNTY OF ORANGE)

I, AMANDA GELMAN, Court Reporter and Notary Public
for the State of Florida at Large, do hereby certify
that I was authorized to and did report the foregoing
proceeding, and that said transcript is a true record of
the said proceeding.

I FURTHER CERTIFY that I am not of counsel for,
related to, or employed by any of the parties or
attorneys involved herein, nor am I financially
interested in said action.

Submitted on: December 17, 2025.

A large, stylized handwritten signature in black ink, appearing to read 'Amanda Gelman', is written over a horizontal line.

AMANDA GELMAN

Court Reporter, Notary Public



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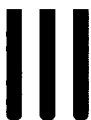
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