

APR-12-1993 10:34am 93-107552

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

CASE NO: CL-91-11008 AE

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This is not a certified copy  
CITIBANK, FEDERAL SAVINGS BANK,  
a Federal savings and loan  
association,

Plaintiff,

vs.

ADELPHI BUILDERS OF PALM BEACH,  
INC., a Florida corporation,  
f/k/a ADELPHI BUILDERS, INC.,  
a Florida corporation; ELMER BREGMAN;  
ALLEN BREGMAN; SMITH & DESHIELDS,  
INC., a Florida corporation;  
CHALLENGER POOLS, INC., a Florida  
corporation; EASTON SECURITY AND  
SOUND SYSTEM, INC., a Florida  
corporation; ELEGANT HARDWARE,  
INC., a Florida corporation;  
AMERICAN GLASS & MIRROR, INC.,  
a Florida corporation; FLORIDA  
HOME LIGHTING, INC., a Florida  
corporation; SHIRLEY BERNSTEIN;  
MONROE WEINTRAUB; DELORES WEINTRAUB;  
DONALD M. BAETZOLD; and

UNKNOWN PERSON(S) IN  
POSSESSION OF THE SUBJECT PROPERTY,

Defendants.

SUMMARY FINAL JUDGMENT

THIS CAUSE came before the Court on Thursday, April 8, 1993  
at 8:45 a.m. upon plaintiff Citibank, Federal Savings Bank's  
("Citibank") motion for summary final judgment. Having reviewed  
Citibank's motion, the pleadings and affidavits on file with the  
Court, having heard argument of counsel, and otherwise being duly  
advised in the premises, this Court hereby

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ORDERS AND ADJUDGES that:

1. Citibank's motion for summary final judgment is granted.
2. There is due and owing Citibank the following sums through the date of this judgment under the Loan Documents at issue in this action:
  - (a) Principal Balance \$883,083.50;
  - (b) Plus interest on the outstanding principal balance of \$883,083.50 calculated at the Note Rate of 9.5% as set forth in the Loan Documents from May 1, 1991 through July 1, 1991 in the amount of \$ 13,203.72;
  - (c) Plus interest on the outstanding principal balance of \$883,083.50 calculated at the Default Rate of 13.5% per annum as set forth in the Loan Documents from July 2, 1991 through September 16, 1991 in the amount of \$ 25,121.25
  - (d) Plus interest on the outstanding Principal Balance of \$883,083.50 calculated at the Default Rate of 13% per annum as set forth in the Loan Documents from September 17, 1991 through November 6, 1991 in the amount of \$ 16,022.50;
  - (e) Plus interest on the outstanding Principal Balance of \$883,083.50 calculated at the Default Rate of 12.5% per annum as set forth in the Loan Documents from November 7, 1991 through December 23, 1991 in the amount of \$ 14,197.92;
  - (f) Plus interest on the outstanding

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Principal Balance of \$883,083.50  
calculated at the Default Rate of  
11.5% per annum as set forth in the  
Loan Documents from December 24,  
1991 through July 2, 1992 in the  
amount of \$ 53,467.63;

(g) Plus interest on the outstanding  
Principal Balance of \$883,083.50  
calculated at the Default Rate of  
11% per annum as set forth in the  
Loan Documents from July 3, 1992  
through April 8, 1993 in the  
amount of \$ 74,583.07;

(h) Plus late charges in the amount  
of \$ 290.84;

(i) Plus court costs \$ 851.60;

(j) Plus attorneys' fees in the  
amount of \$ 2,400.00  
which represents 137.7 hours  
of time at a blended rate of  
\$ 175.31 per hour which  
this Court finds to be  
reasonable and proper pursuant to  
the evidence presented to the  
Court, and the Court's review of  
the factors and guidelines required  
by Florida common law and the Rules  
of the Florida Bar.

for a total of \$ 1,104,332.<sup>03</sup> (the "Sum") that shall bear  
interest at the rate 12% per year. If this Court does not make  
an award of attorneys' fees at this time as contemplated by sub-  
paragraph (j) above, this Court also reserves jurisdiction to  
determine the amount of attorneys' fees to which Citibank is  
entitled under the Loan Documents.

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3. Citibank holds a lien pursuant to the Loan Documents for the Sum superior to any claim or interest of Adelphi Builders of Palm Beach, Inc. f/k/a Adelphi Builders, Inc., Smith & Deshields, Inc., Challenger Pools, Inc., Easton Security and Sound System, Inc., Elegant Hardware, Inc., American Glass and Mirror, Inc., Florida Home Lighting, Inc., St. Andrews Country Club Owners Association, Inc., Hardwood Industries, Inc., Stenger Tile and Marble, Inc., L.D. Mullins Lumber Co., Inc., Axiom of South Florida, Inc., Shirley Bernstein, \_\_\_\_\_ Unknown Person(s) in possession of the subject Property, and Allen M. Bregman and all person(s) claiming an interest through them (collectively the "Defendants"), in and to the real property in Palm Beach County, Florida described on exhibit A attached hereto, together with any improvements and fixtures located thereon (collectively the "Property").

4. If the Sum with interest at the rate prescribed in paragraph 2 above and all costs accrued subsequent to this Judgment are not paid, the Clerk of this Court shall sell the Property and the Personal Property at public sale at 11:00 a.m. on May 17, 1993 (the "Sale") to the highest bidder for cash, except as prescribed in paragraph 5 below, in the lobby of the Palm Beach County Courthouse in West Palm Beach, Florida in accordance with Section 45.031, Florida Statutes.

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5. Citibank shall advance all subsequent costs of this action relevant to the Sale and shall be reimbursed for them by the Clerk if Citibank is not the purchaser of the Property at the Sale. If Citibank is the purchaser, the Clerk shall credit Citibank with the Sum together with interest and all costs accruing subsequent to this Judgment or such part of it as is necessary to pay the deed in full.

6. On filing the certificate of title, the Clerk shall distribute the proceeds of the Sale so far as they are sufficient by paying (i) all of Citibank's costs; (ii) the documentary stamps affixed to the certificate; (iii) the total sum due Citibank's, less any items that have been paid, plus interest at the rate prescribed in paragraph 2 above, from this date to the date of the Sale; (iv) and by retaining any remaining amount pending further order of this Court.

7. Upon the filing of the certificate of title, the Defendants and all persons claiming under or against the Defendants since the filing of Citibank's notice of lis pendens shall be foreclosed of all interests or claims in the Property and the purchaser at the Sale shall be let in the possession of the Property.

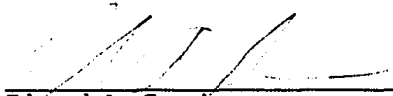
8. This Court retains jurisdiction over this action to enter all further orders that are proper, including, without

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limitation, an award of attorneys' fees as contemplated by paragraph 2 above and writs of possession.

DONE AND ORDERED as of this \_\_\_\_\_ day of April, 1993 in Chambers in Palm Beach County, West Palm Beach, Florida.

  
Edward A. Garrison  
Circuit Court Judge

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RECORD VERIFIED DOROTHY H. WILKEN  
CLERK OF THE COURT - PB COUNTY, FL

EXHIBIT "A"

Lot 781, Plat 14, ST. ANDREWS COUNTRY CLUB,  
according to the Plat thereof, as recorded in  
Plat Book 57, Page 132 through 135, of the  
Public Records of Palm Beach County, Florida.