

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.

EXHIBIT 1 - SAHM GUARDIANSHIP REHEARING
ORDERS DE NO. 76-77 SWEETAPPLE FILING
WALT SAHM DEATH ADMITTED JAN 5 2021

MOTION TO SUBSTITUTE PARTY-PLAINTIFF

COME NOW, CHARLES REVARD, as Guardian for the Ward, PATRICIA A. SAHM, by and through undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.260, hereby files this Motion to Substitute Party-Plaintiff, and in support therefore states as follows:

1. The subject lawsuit is an action for damages related to collections of a judgment against the Defendants.

2. WALTER E. SAHM passed away on January 5, 2021, leaving PATRICIA SAHM as his surviving spouse.
3. On June 27, 2023, Plaintiff, PATRICIA SAHM was deemed incapacitated, and CHARLES REVARD, was appointed as her Guardian. See **Exhibit A**.
4. On September 12, 2023, Guardian, CHARLES REVARD, was authorized to execute any and all documents necessary or appropriate for the substitution of the Guardian as Plaintiff in such proceedings and to proceed with the prosecution of the case. See attached **Exhibit B**.
5. On September 12, 2023, Guardian, CHARLES REVARD, was also authorized to execute any and all documents necessary or appropriate to retain counsel as set forth herein to proceed with the prosecution of the case. See attached **Exhibit C**.
6. If a party is incapacitated and the claim is not thereby extinguished, the court may order the substitution of the proper parties. The motion for substitution may be made by any party or by the successors or representatives of the deceased party and, together with the notice of hearing, shall be served on all parties as provided in Florida Rule of Civil Procedure 1.080 and upon persons not parties in the manner provided for the service of a summons. See Fla. R. Civ. P. 1.260(a)(1).
7. If any party becomes incompetent, the court, upon motion filed and served as provided in subdivision (a) of this rule, may allow the action to be continued by or against that person's representative. See Fla. R. Civ. P. 1.260(b).
8. CHARLES REVARD, as Guardian of the Ward, requests to be substituted for Plaintiff, PATRICIA SAHM.

WHEREFORE, for the foregoing reasons, CHARLES REVARD, as Guardian for Ward PATRICIA A. SAHM, incapacitated, respectfully request this Honorable Court grant the within motion, enter an Order substituting Party-Plaintiffs, and for such further relief as this Court deems just and proper.

Respectfully Submitted,

SWEETAPPLE, BROEKER & VARKAS, P.L.
4800 North Federal Highway, Suite D306
Boca Raton, Florida 33431
E-Mail: pleadings@sweetapplelaw.com

By: /s Cynthia J. Miller
ROBERT A. SWEETAPPLE
Florida Bar No. 0296988
CYNTHIA J. MILLER
Florida Bar No. 1007692

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 26th day of September 2023.

By: /s Cynthia J. Miller
CYNTHIA J. MILLER
Florida Bar No. 1007692

Exhibit A

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

IN RE:

File No. 502023GA000245XXXXMB

PATRICIA A. SAHM,
an alleged incapacitated person.

ORDER APPOINTING LIMITED GUARDIAN OF PERSON AND PROPERTY

On the Petition of for the Appointment of a Guardian of the person and property of Patricia A. Sahn ("Ward"), the Court makes the following findings:

1. The Ward was adjudicated to be incapacitated by Order of this Court entered on June ___, 2023, and the Court, having considered alternatives to guardianship, found that no alternatives to guardianship sufficiently address the needs of the Ward, and that the restrictions imposed upon the Ward's rights and liberties are consistent with the Ward's welfare and safety, and are the least restrictive appropriate alternatives, reserving to the Ward the right to make decisions in all matters commensurate with the Ward's ability to do so.

2. The Order Determining Limited Incapacity established the incapacity of the Ward to exercise the following delegable rights:

- () to determine his or her residence,
- (X) to consent to medical and mental health treatment,
- () to make decisions about his or her social environment or other social aspects of his or her life,
- (X) to contract,
- (X) to sue and defend lawsuits,
- (X) to personally apply for government benefits,
- (X) to manage property or to make any gift or disposition of property.

3. The nature of the guardianship is limited and it is necessary to appoint a limited guardian of the person and property of the Ward.

4. The Court finds no evidence that the Ward, prior to incapacity, executed any valid advance directive pursuant to Florida Statutes Chapter 765.

4895-5614-2699 v.2 067891/00001

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK 06/27/2023 10:26:17 AM

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF AN OFFICIAL RECORD OR DOCUMENT AUTHORIZED BY LAW TO BE RECORDED OR FILED IN THE OFFICE OF THE PALM BEACH COUNTY CLERK OF THE CIRCUIT COURT & COMPTROLLER. THIS DOCUMENT MAY HAVE REDACTIONS AS REQUIRED BY LAW.

VISIT <https://app.epp.mypalmbeachclerk.com/Services/VerifyService?help/verifyImage.html> TO VALIDATE THIS DOCUMENT



Digitally signed by The Honorable Joseph Abruzzo

Date: 2023.07.18 15:19:28 -04:00

Clerk of the Circuit Court & Comptroller, Palm Beach Coun
Location: 205 N. Dixie Highway, West Palm Beach, FL 334

The Court having jurisdiction and being fully advised, it is

ADJUDGED as follows:

1. Charles Revard is qualified to serve and is hereby appointed limited guardian of the person and property of Patricia A. Sahm ("Ward").

2. The following rights of the Ward are delegated to the guardian appointed by this Order:

(X) to contract,

(X) to sue and defend lawsuits,

(X) to apply for government benefits,

(X) to manage the property of the Ward,

() to determine the Ward's residence,

(X) to consent to medical and mental health treatment,

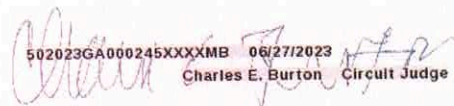
() to make decisions about the Ward's social environment or other social aspects of the Ward's life.

Note: If the right of the Ward to contract has been delegated to the guardian but the right to marry is retained, then the right to marry is subject to court approval.

3. Upon taking the prescribed oath, filing a designation of resident agent and acceptance, and posting a bond in the amount of \$____ payable to the Governor of the State of Florida and to all successors in office, conditioned on the faithful performance of all duties by the guardian, letters of guardianship shall be issued.

4. The Ward retains the rights specified in Florida Statutes Section 744.3215(1) and the right to make decisions in all matters commensurate with Ward's abilities.

DONE and ORDERED in Delray Beach, Palm Beach County, Florida.


502023GA000245XXXMB 06/27/2023
Charles E. Burton Circuit Judge

502023GA000245XXXMB 06/27/2023
Charles E. Burton
Circuit Judge

Copies furnished to:

Amber Patwell, Esq., apatwell@wblaws.com, Whitbeck Bennett, 136 4th St. N., Suite 201, Office 356, St. Petersburg, FL 33701

Eileen T. O'Malley, Esq., eileen.omalley@nelsonmullins.com, Nelson Mullins Riley & Scarborough, LLP, 360 South Rosemary Ave., Suite 1410, West Palm Beach, FL 33401

Inger Garcia, Esq., attorney@ingergarcia.com, 7040 Seminole Pratt Whitney Rd., #25-43, Loxahatchee, FL 33470

Kevin R. Hall, kh.itconsultingslesoffices@gmail.com, P.O. Box 756, Kinderhook, NY 12106

Exhibit B

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF

PATRICIA A. SAHM

File No.
502023GA000245XXXXMB
Division: IZ

An Incapacitated Person

**ORDER GRANTING PETITION FOR AUTHORITY TO PROSECUTE WARD'S
INTEREST IN A FORECLOSURE OF MORTGAGE ACTION**

THIS CAUSE having come before the Court upon the Guardian's *Petition for Authority to Prosecute Ward's Interest in a Foreclosure of Mortgage Action*, and the Court having heard argument and objections of counsel and being otherwise fully advised in the premises, it is thereupon

ORDERED AND ADJUDGED that the *Petition* be and the same is hereby GRANTED over the objections raised by Inger Garcia, Esq., counsel for Patricia A. Sahm, Jr. and by Amber Patwell, Esq. Charles Revard, as limited guardian of the person and property of the Ward, Patricia A. Sahm, Sr., is authorized to substitute into and prosecute the Ward's interest in the following foreclosure proceedings: *Walter E. Sahm and Patricia Sahm v. Bernstein Family Realty, LLC and All Unknown Tenants*, Palm Beach County – Circuit Civil Division File No. 502018CA002317XXXXMB. The Guardian is authorized to execute any and all documents necessary or appropriate for the substitution of the Guardian as Plaintiff in such proceedings and to proceed with prosecution of the case as he deems appropriate.

DONE AND ORDERED at Palm Beach County, Florida.

 50-2023-GA-000245-XXXX-MB 09/12/2023
Charles E. Burton Circuit Judge

50-2023-GA-000245-XXXX-MB 09/12/2023
Charles E. Burton
Circuit Judge

Copies furnished to:

Mitchell I. Kitroser, Esquire, 631 US Highway One, Suite 406, North Palm Beach, Florida 33408 (mitch@kitroserlaw.com, paula@kitroserlaw.com, and mikadmin@kitroserlaw.com)

Eileen O'Malley, Esquire, 360 South Rosemary Ave., Suite 1410, West Palm Beach, Florida 33401 (eileenomalley@nelsonmullins.com)

Inger Garcia, Esquire, 7040 Seminole Pratt Whitney Road, #25-43, Loxahatchee, Florida 33470 (attorney@ingergarcia.com, serviceinglaw@yahoo.com, and attorney@floridapotlawfirm.com) (counsel for Patricia A. Sahm, Jr.)

Amber Patwell, Esquire, 136 4th Street North, Suite 201 OFC 356, St. Petersburg, Florida 33701 (amber@aplpinellas.com)

Exhibit C

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF

PATRICIA A. SAHM

File No.
502023GA000245XXXXMB
Division: IZ

An Incapacitated Person

**ORDER GRANTING PETITION FOR AUTHORITY TO RETAIN COUNSEL FOR
WARD**

THIS CAUSE having come before the Court upon the Guardian's *Petition for Authority to Retain Counsel for Ward*, and the Court having heard argument and objections of counsel and being otherwise fully advised in the premises, it is thereupon

ORDERED AND ADJUDGED that the *Petition* be and the same is hereby GRANTED over the objections raised by Inger Garcia, Esquire, counsel for Patricia A. Sahn, Jr., and Amber Patwell, Esquire. Charles Revard, as limited guardian of the person and property of the Ward, Patricia A. Sahn, Sr., is authorized to retain counsel for representation of him in the following foreclosure proceedings: *Walter E. Sahn and Patricia Sahn v. Bernstein Family Realty, LLC and All Unknown Tenants*, Palm Beach County – Circuit Civil Division File No. 502018CA002317XXXXMB. The Guardian is authorized to execute any and all documents necessary or appropriate to retain counsel as set forth herein to proceed with prosecution of the case as he deems appropriate.

DONE AND ORDERED at Palm Beach County, Florida.

 50-2023-GA-000245-XXXX-MB 09/12/2023
Charles E. Burton Circuit Judge

50-2023-GA-000245-XXXX-MB 09/12/2023
Charles E. Burton
Circuit Judge

Copies furnished to:

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