

Filing # 109567024 E-Filed 06/29/2020 06:57:44 PM

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE19008019 DIVISION 13 JUDGE Michael Robinson

**Bo Wong Inc**

Plaintiff(s) / Petitioner(s)

v.

**Apple Flavored Horse Cookies LLC, et al**

Defendant(s) / Respondent(s)

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**AMENDED SUMMARY FINAL JUDGMENT OF FORECLOSURE**

(This Amended Summary Final Judgment of Foreclosure shall amend and supersede that certain Summary Final Judgment of Foreclosure entered by this Court on February 17, 2020)

**THIS ACTION** was heard before the Court on Plaintiff's Amended Motion to Amend Summary Final Judgment of Foreclosure and Reset Sale Date on June 29, 2020. On the evidence presented,

**IT IS ORDERED AND ADJUDGED that:**

1. The Plaintiff's Amended Motion to Amend Summary Final Judgment of Foreclosure is GRANTED. Service of process has been duly and regularly obtained over Defendants, APPLE FLAVORED HORSE COOKIES, LLC, RICHARD MEYER, CAIBAI CONSTRUCTION, LLC, and BETTER HOLDINGS, LLC.

2. **Amounts Due.** There is due and owing to the Plaintiff the following:

Principal due on the note	\$217,268.08
DEFAULT INTEREST RATE AT 18% per day (\$107.14)	\$ 64,498.28
FROM 11/04/18 TO 06/29/20 (602 days)	

Late Charges	\$ 1,071.63
Payment of 2015, 2016, and 2017 Delinquent Taxes	\$ 34,626.34

Default Interest on Property Taxes at 18% per day (\$17.07)	\$ 8,364.30
From 02/25/19 to 06/29/20 (490 days)	

SUBTOTAL:	\$325,828.63
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**Court Costs**

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Filing Fee and record Lis Pendens	\$ 1,920.50
Service of Process	\$ 270.00
Abstracting	\$ 350.00
<b>SUBTOTAL OF COURT COSTS:</b>	<b>\$ 2,540.50</b>
Attorney's fees based upon 29.75 hours at \$450.00 per hour Equals, \$13,387.50	\$ 13,387.50
Supplemental Attorney's fees based upon 10.00 hours at \$450.00 per hour Equals, 4,500.00	\$ 4,500.00
<b>SUBTOTAL OF ATTORNEY'S FEES:</b>	<b>\$ 17,887.50</b>
<b>GRAND TOTAL</b>	<b>\$346,256.63</b>

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the interest rate specified in the Note.

4. **Lien on Property.** Plaintiff, BO WONG, INC., a Florida Corporation, whose address is 4980 S.W. 151<sup>st</sup> Avenue, Davie, FL 33331, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116. The plaintiff's lien encumbers the subject property located in Broward County, Florida, as described as:

**Lots 16, 17 and 18, Block 2, Pembroke Ranches, according to the map or plat thereof, recorded in Plat Book 44 at Page 35, of the Public Records of Broward County, Florida.**

**Property Address: 7151 Pembroke Road, Pembroke Pines, FL 33023**

5. **Sale of Property.** If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on September 1, 2020, at to the highest bidder for cash, except as described in Paragraph 6, at:

[X] [www.broward.realforeclose.com](http://www.broward.realforeclose.com), the Clerk's website for on-line auctions at 10:00 A.M.

after having first given notice as required by Section 45.031, Florida Statutes.

6. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed

for them by the Clerk if plaintiff is not the purchaser of the property for sale. If plaintiff is the purchaser, the Clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

**7. Right of Redemption.** On filing of the Certificate of Sale, defendant's right of redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

**8. Distribution of Proceeds.** On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the plaintiff's costs; second, documentary stamps affixed to Certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.

**9. Right of Possession.** Upon filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property, The Clerk of this Court is hereby directed to issue a Writ of Possession upon application for same by the Plaintiff, and without further order of this court.

**10. Attorney Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 29.75 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$450.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).

**11. NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA. ST. (2006)**

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT,

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210 S.E. 6<sup>TH</sup> STREET, FORT LAUDERDALE, FLORIDA (TELEPHONE: (954) 831-6565). WITHIN (10) DAYS AFTER THE SALE TO SEE IF THERE ARE ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY YOU SHOULD READ CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT THE LEGAL AID SOCIETY AT THE BROWARD COUNTY BAR ASSOCIATION, 1051 S.E. 3<sup>rd</sup> AVENUE, FORT LAUDERDALE, FLORIDA (TELEPHONE: (954) 764-8040), TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT THE DADE COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

**DONE** and **ORDERED** in Chambers, at Broward County, Florida on 06-29-2020.

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Hon. Michael Robinson

**CIRCUIT JUDGE**

Electronically Signed by Michael Robinson

**Copies Furnished To:**

Bernard L. Egozi , E-mail : [gale@egozilaw.com](mailto:gale@egozilaw.com)

Bernard L. Egozi , E-mail : [behozi@egozilaw.com](mailto:behozi@egozilaw.com)

Gary M. Silberman , E-mail : [joshua@silberman-law.com](mailto:joshua@silberman-law.com)

Gary M. Silberman , E-mail : [gary@silberman-law.com](mailto:gary@silberman-law.com)

Yanina Zilberman , E-mail : [yanina@egozilaw.com](mailto:yanina@egozilaw.com)