

DISTRICT COURT OF APPEAL, SIXTH DISTRICT OF FLORIDA

Buy Here Pay Here FL LLC
Appellant(s)

Charlotte
County/State Agency

vs

Quality Cars of Englewood, Inc.
Appellee(s)

L.T. Case No. 23-1031SP

NOTICE OF APPEAL TRANSMITTAL FORM

- Checkboxes for appeal details: The accompanying notice of appeal was filed on 4/18/2024. A certified electronic copy of the notice accompanies this form. The civil notice carried with it a copy of the order appealed, which is transmitted with the notice. The civil notice was not accompanied by a copy of the order appealed. The district court's filing fee has been received and will promptly be forwarded to the court by U.S. Mail. There is no filing fee in this type of proceeding (e.g., dependency/termination of parental rights; postconviction and habeas corpus appeals; delinquency appeals; administrative reemployment assistance appeals initiated by an employee). The appellant has been determined to be indigent. Included in the transmission of the notice of appeal is an order or certificate of insolvency. An appellate filing fee appears to be required but has not been paid. This is dependency/termination of parental rights case. A designation to the court reporter does or does not accompany the notice of appeal in the transmission to the district court.

CASE TYPE:

- Checkboxes for case type: Summary postconviction appeal. An electronic bookmarked record is being transmitted to the district court's FTP server contemporaneously with the notice of appeal. Summary postconviction appeal. The electronic record cannot be transmitted at this time but will follow within \_\_\_ days. Non-summary postconviction appeal. The lower tribunal clerk has has not treated the notice of appeal as a designation to the court reporter. Judgment and sentence appeal. Juvenile delinquency appeal. State criminal appeal. Dependency/termination of parental rights appeal. Other civil appeal, including probate/guardianship, Ryce, Baker Act, etc. Administrative appeal. Criminal appeal of unknown case classification. A copy of the order that seems to be appealed is included in this transmission, or it is impossible to determine what order the appellant is attempting to appeal.

Further comments that might be of value to the district court in determining case classification and jurisdiction are:

ROGER D. EATON
CLERK OF THE CIRCUIT COURT
AND COUNTY COMPTROLLER

By: [Signature]
Deputy Clerk





Certified to be a true and correct copy of the original document of file in my office.  
 Witness my Hand and official seal this 19<sup>th</sup> day of April 20 24  
 ROGER D. EATON,  
 Clerk of the Circuit Court

By: [Signature] Deputy Clerk

24-38AP

# Appeal Request

Case number: **23001031SP**

**QUALITY CARS OF ENGLEWOOD, INC., ( PLAINTIFF )**

**V.**

**BUY HERE PAY HERE FL LLC. ( DEFENDANT )**

FILED  
 2024 APR 18 PM 3:18  
 ROGER D. EATON  
 CLERK OF CIRCUIT COURT  
 CHARLOTTE COUNTY, FLA

On 03/25/2024 was court day and the judge Ruled that Defendant pays ( \$5270.24 ) to Plaintiff.

Defendant would like to appeal for the following reasons

- Car ( 2013 Tesla Model S ) was purchased from Manheim Auction online through the OVE Website.
- Once the car was delivered to my dealership it had pre-existing Mechanical and electrical issues. These issues was found and documented with pictures after 1 min from receiving the car at my dealership
- Arbitration case was initiated as per Manheim Policy that any car with issues that cost more than \$800 to fix, they buyer has the right to void the sale
- Manheim confirmed the issues and car was returned to the seller in same exact condition
- Plaintiff sued the defendant and Manheim. Manheim got dismissed before trial
- Plaintiff is assuming these issues were caused by defendant and manheim driving the car at speed of 135 miles / hour

Car had the following issues

- Door opens by itself. ( Plaintiff confirmed during the previous court he was aware of the issue before selling the car but forgot to fix it but cost to do is ( \$296 ). Which is below \$800
- Main screen for car not operating. ( Plaintiff confirmed also this is easy reset to be done and they sold a car with same issue before and can maybe be fixed by electrical fuse which is a cheap fix from his point and below \$800 )
- Air Suspension problem which is the most expensive issue. ( plaintiff confirmed he is aware that this issue isn't covered by Manheim arbitration since suspension

issues shouldn't be considered part of arbitration). Which in fact confirms that if he sold a car with a bad suspension, Buyer won't be able to return it.

- Bad tire that was confirmed bad before car was sold on Manheim condition Report

Defendant called Manheim after court day and they stated that the car was dropped off at the auction with Millage of : 81,478

Car was only driven 15 Miles

- It makes no sense to be sued because the car was driven 15 miles back to the auction
- 1 Mile around the dealership to test drive it, confirmed by a picture of the odometer at 12:55 Pm before it leaves the dealership
- Distance between the defendant dealership and Manheim facility is 13 Miles, and extra mile is to drive the car to the inside facility of the auction where they scan the car and odometer
- Speed through (state road 7 ) from Margate ( the dealership ) to Davie ( Auction Facility ) is between 30 to 45 miles Per hour. And during rush hour at 1Pm most likely car traffic drives at average speed of 20 Miles per hour
- Calculation of Speed from Plaintiff theory is based on battery consumption.
- Pictures taken show battery consumption of this tesla was bad.
- The tesla was 10 years old at the time of sale. Even the Tesla warranty on the battery is 8 years.

I received a threatening Email from Richard Lake, President of Quality Cars of Englewood After Court ended at 2:12 Pm on the same day. If i didn't pay in 7 days and proceed with my appeal since i have mentioned it in court. He is intending to pursue additional Damages.

- Under protection of law and court i am supposed to be able to appeal court decision during the time allowed for me
- This kind of behavior should have consequences, and i hope court would address this matter

Mohmoud ElMaftas

## **Case number #23001031SP**

- 1) Car was Dropped off by the transportation company on 04/20/2023 at 11:29 Am.  
Time & date recorded because i sign when receiving a car  
\*\* Attached Receipt & Email Exhibit (A)

- 2) Picture of the Odometer was taken showing ( Center Display unavailable )  
\*\* Exhibit (B), Attached picture from my iphone showing exact time at 11:30 Am

### **1 Min after Receiving the car i noticed the Issues**

- 3) Picture of the Main Screen of the car not operating.  
\*\* Exhibit (C)Attached Picture at 11:31 AM
- 4) I was test driving the car and noticed new message on Odometer screen ( Air Suspension requires Service )  
\*\* Exhibit (D)Attached Picture at 11:41 AM
- 5) Started Arbitration case to return the car to Manheim Auction for mainly the following reasons ( Main Screen not operating / Air Suspension / Door Opening by itself ).

\*\* All these Issues were confirmed by Plaintiff's Exhibit (E) when he sent the car to Tesla to fix it.

\*\* Exhibit (F) Arbitration case was Started at 11:58 AM

### **Arbitration case was opened 29 Mins after Receiving the Car**

- 6) Picture of the Odometer before sending the car to Auction With Millage: 81,464  
\*\* Car was Purchased with Odometer: 81,463  
\*\* Exhibit (G) Picture of car odometer at 12:55 Pm / Bill of sale confirming millage

### **Car Was only Driven 1 Mile before it was sent back to the Auction**

- 7) Email From the transportation company stating that they have noticed the issues with the car before dropping it off at dealership  
\*\* Exhibit (H)

**Highline Leasing**

1313 SW 1st Ct, Pompano Beach FL 33069  
Phone: (954) 309-5383

**Invoice**

**#Buy Here Pay Here FL 0347**

Printed 4/25/2023

<b>Invoice #</b>	Buy Here Pay Here FL 0347	<b>Authorized by</b>	External
<b>Call #</b>	347	<b>Tow From</b>	1498 S McCall Rd, Englewood, FL 34223, USA
<b>Date/Time Requested</b>	4/19/2023 @ 5:10 PM	<b>Tow To</b>	645 N State Rd 7, Margate, FL 33063, USA (buy here pay here fl)
<b>Date/Time Completed</b>	4/20/2023 @ 11:29 AM		

Year	Make	Model	Color	VIN	Plate	Odometer
2013	Tesla	Model S	-	5YJSA1CP5DFP09471	-	-

Charge Description	Quantity	Price	Line Total
Loaded/Hooked Mileage	1	\$250.00	\$250.00
		<b>Grand Total</b>	<b>\$250.00</b>
		<b>Amount Due:</b>	<b>\$250.00</b>

Highline Leasing appreciates your business; if you have any questions regarding this invoice, please contact us at (954) 309-5383

Signature: \_\_\_\_\_

View photos for this tow online at <https://app.towbook.com/PublicAccess/Invoice2.aspx?id=153635881&sc=cad16cee9f>

USDOT: 3796681



Mahmoud Affas <buyherepayherefl@gmail.com>

**Highline Leasing: Tow Invoice #Buy Here Pay Here FL 0347**

1 message

**Highline Leasing** <hl159024@towbook.net>  
Reply-To: Highline Leasing <matt@feingoldonline.com>  
To: buyherepayherefl@gmail.com

Tue, Apr 25, 2023 at 10:41 AM

Good morning,

Please see attached invoice for recent auto transports performed. If you have any further questions or concerns, please do not hesitate to reach out. Thank you!

Attached is a PDF copy of the tow ticket #Buy Here Pay Here FL 0347 for the vehicle towed from 1498 S McCall Rd, Englewood, FL 34223, USA.

To view it, please open the attachment.

If you cannot open the attachment, you can download Adobe Acrobat Reader from <http://get.adobe.com/reader/>

Vehicle: 2013 Tesla Model S  
VIN: 5YJSA1CP5DFP09471

Towed From: 1498 S McCall Rd, Englewood, FL 34223, USA  
Destination: 645 N State Rd 7, Margate, FL 33063, USA (buy here pay here fl)  
Date/Time Completed: 4/20/2023 @ 11:29 AM

Invoice Total: \$250.00

To view the photos of this job, visit: <http://app.towbook.com/PublicAccess/Photos.aspx?id=153635881&sc=cadf6cee9f>

If you have any questions, please feel free to contact us.

Thank you for your business,

Highline Leasing  
954-309-5383

Sent using Towbook

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347.pdf  
110K



Add a Caption

Thursday • Apr 20, 2023 • 11:30 AM

Adjust

IMG\_0857

Apple iPhone 12 Pro Max

HEIF



Wide Camera — 26 mm  $f1.6$

12 MP • 4032 × 3024 • 2.1 MB

ISO 125

26 mm

0 ev

$f1.6$

1/121 s



Add a Caption

Thursday • Apr 20, 2023 • 11:31 AM

Adjust

IMG\_0858

Apple iPhone 12 Pro Max

HEIF

Wide Camera — 26 mm f1.6

12 MP • 3024 × 4032 • 1.2 MB

ISO 50

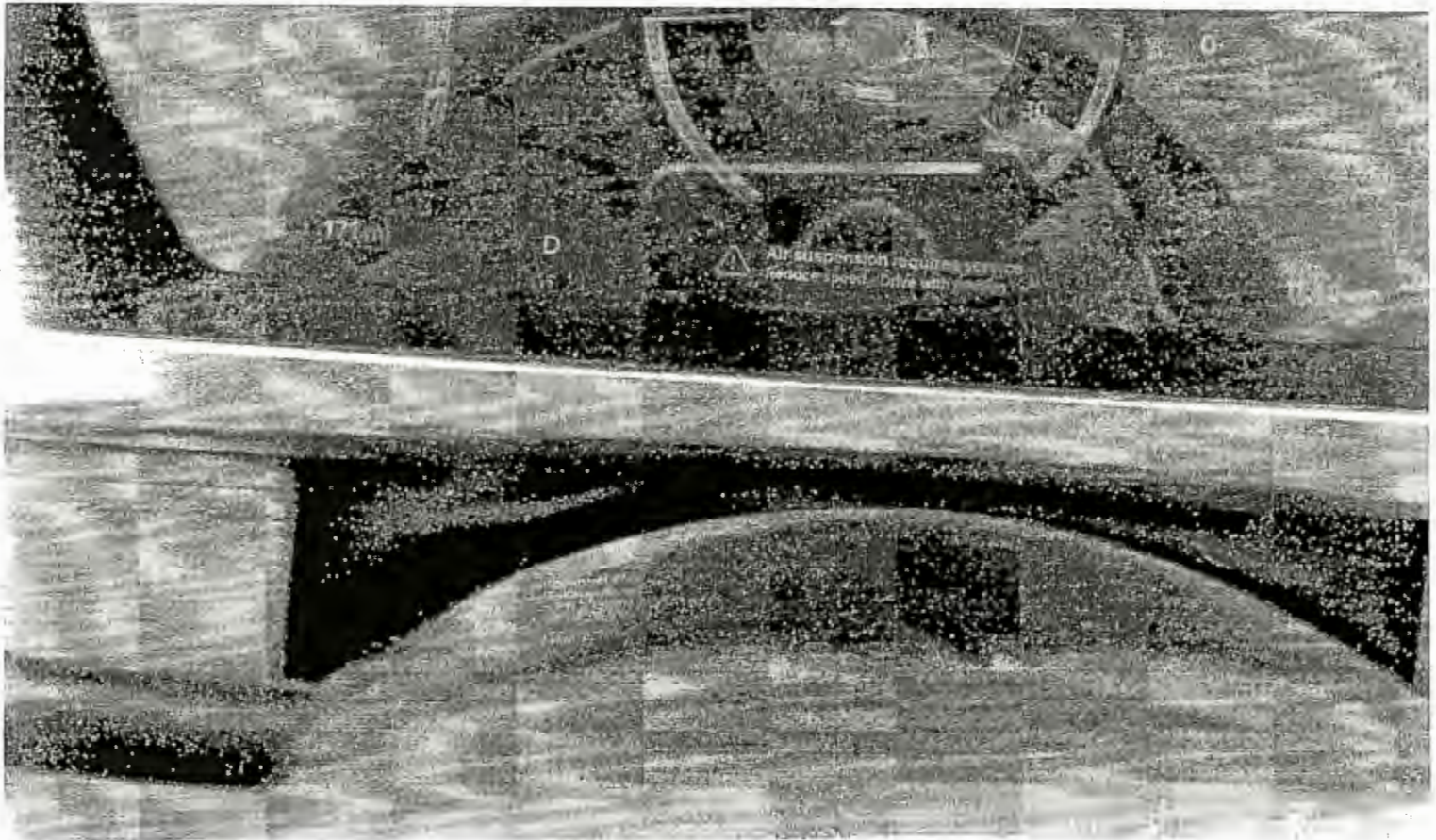
26 mm

Dev

f1.6

1/121





Add a Caption

Thursday • Apr 20, 2023 • 11:41 AM

Adjust

IMG\_0860

Apple iPhone 12 Pro Max

HEIF

Wide Camera — 26 mm f1.6

12 MP • 4032 x 3024 • 1.4 MB

ISO 32

26 mm

0 ev

f1.6

1/132 s



Manheim Salesforce.com Sup... Apr 20



to me ^

From Manheim Salesforce.com Support  
salesforcesupport@manheim.com

To buyherepayherefl@gmail.com  
buyherepayherefl@gmail.com

Date Apr 20, 2023 at 11:58 AM



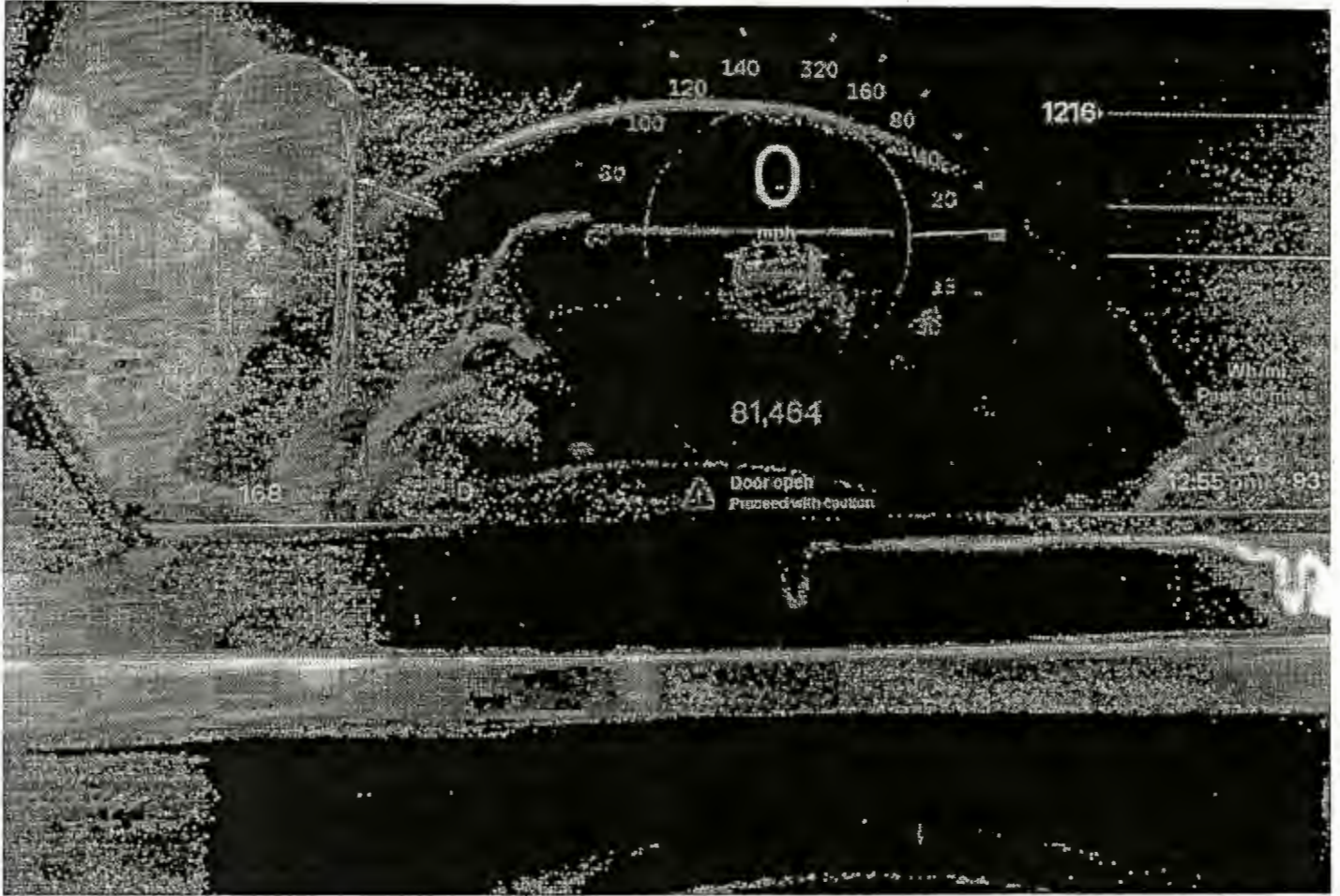
Standard encryption (TLS)

[Learn more](#)

Hi

Thank you for contacting Manheim. Your Arbitration claim has been received for VIN - 5YJSA1CP5DFP09471 and we will assign this case to a team member shortly. While our Arbitrator begins the initial review, we ask that you assemble any related documentation that supports your claim.

To provide a timely resolution for you and the Seller, each step must be completed within five (5) calendar days of the Arbitrator's request. Requests completed outside the timelines set by arbitration may result in a delayed or invalid claim.



Add a Caption

Thursday • Apr 20, 2023 • 12:55 PM

Adjust

IMG\_0861

Apple iPhone 12 Pro Max

HEIF

Wide Camera — 26 mm f1.6

12 MP • 4032 x 3024 • 2 MB

ISO 80

26 mm

0 ev

f1.6

1/121 s

**BILL OF SALE**

**THIS IS NOT AN INVOICE**

**\*\*VOID\*\***

**DOCUMENT NOT VALID  
FOR EXPORT**

**422 MANHEIM FORT  
MYERS**  
 2100 ROCKFILL RD  
 FORT MYERS, FL 33916 US

**Sale Date**  
 17-APR-2023 15:01:58

**Yr Wk Ln Rn**  
 2023-16-92-40

**Sale Type**  
 OVE

Please refer to the vehicle release for the pickup location

**Vehicle Information**  
 2013 TESLA MOD S PERF  
 Seda PERFORMANC Red  
 5YJSA1CP5DFP09471

Mileage: 81463 Miles. 0?

License Plate No:

**Title Information**  
 State: DC Number: 1

**Vehicle Features**  
 1-Speed A/T  
 Gra

<b>Sale Price</b>	\$ 18,000.00
<b>Adjustments</b>	\$ 0.00
<b>Final Sale Price</b>	\$ 18,000.00

**Seller**  
 QUALITY CARS OF ENGLEWOOD INC  
 1498 S MCCALL RD STE A  
 ENGLEWOOD, FL 34223 US

Seller Rep:  
*Signature on file*

**Buyer**  
 BUY HERE PAY HERE FL LLC  
 645 N STATE ROAD 7  
 MARGATE, FL 33063 US

Buyer Rep: ELKAFFAS, MAHMOUD  
*Signature on file*

**Auction Lights**

GREEN Buyer protection to conditions  
 YELLOW Certain conditions announced prior to sale

**Odometer Disclosure**

Federal law (and state law, if applicable) requires the Seller to state the mileage upon transfer of ownership. Failure to complete or providing false information may result in fines and/or imprisonment.

Seller hereby states that the odometer for this Vehicle now reads identically to the Mileage stated on this Bill of Sale under Vehicle Information and certifies to the best of Seller's knowledge that this reflects the actual mileage of the Vehicle, unless disclosed otherwise in the Announcements & Notes below.

**Announcements & Notes**

Seller agrees to sell the vehicle covered by this Bill of Sale to Buyer for the price noted herein.  
 Seller is the transferor of the vehicle and is responsible for all disclosures, including odometer and mileage.  
 Buyer must return a signed copy of the title front and back, including the odometer statement therein, to Seller or be subject to civil and criminal penalties. See 49 CFR § 580.5(f).  
 Manheim retains a purchase money security interest in the Vehicle and its title until good funds are received from the Buyer.  
 Seller and Buyer agree to the Manheim Terms and Conditions in effect at the time of the sale.  
 Sale terms and this Bill of Sale are subject to adjustments by Manheim. Please check your customer account at Manheim.com for most current version of this document.  
 Bill of Sale is not an Invoice. Please refer to Invoices in your account on Manheim.com.

Printed on: 15-Nov-2023 09:02:55



Mahmoud Affas <buyherepayherefl@gmail.com>

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## 2013 Tesla Delivery

1 message

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Matt Feingold <matt@feingoldonline.com>

Mon, Oct 9, 2023 at 11:30 AM

To: "buyherepayherefl@gmail.com" <buyherepayherefl@gmail.com>

To whom it may concern,

Regarding the delivery of the below vehicle:

2013 Tesla Model S

VIN: 5YJSA1CP5DFP09471

We can confirm the vehicle had electrical problems present and detectable before we picked up the vehicle from Manheim auction for delivery to Buy Here Pay Here FL, located in Margate, FL. The two main issues noted upon pickup of the vehicle were an inoperative infotainment screen/cluster, and a rear door that was opening seemingly automatically or without prompt or input from an operator. If you have any questions or concerns, please do not hesitate to reach out. Thank you!

Matthew Feingold  
Transportation Manager  
Highline Leasing LLC  
(954) 309 - 5383



Mahmoud Affas <buyherepayherefl@gmail.com>

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**payment**

1 message

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**ricklake@sbcglobal.net** <ricklake@sbcglobal.net>  
To: Mahmoud Affas <buyherepayherefl@gmail.com>

Mon, Mar 25, 2024 at 2:12 PM

Mr. Affas,

Payment is due in 7 days. If you choose to appeal the judge's decision, I will be forced to show the court you presented false evidence in today's hearing. I will not tell you what it is but if you choose to drag this out, I intend to pursue additional damages.

Richard Lake

President

Quality Cars of Englewood, Inc.