

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

WILMINGTON SAVINGS FUND SOCIETY
FSB, AS OWNER TRUSTEE OF THE
RESIDENTIAL CREDIT OPPORTUNITIES
TRUST VII-A,

CASE NO: 2018-017118-CA-01

Plaintiff,

vs.

GUILLERMO GENIE, et al.

Defendants.

_____ /

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendants, GUILLERMO GENIE and CARMEN CAZORLA, Defendants/Appellants, hereby respectfully file their Notice of Appeal to the Third District Court of Appeal, the Final Judgment of Foreclosure rendered July 5, 2024, annexed hereto as Exhibit "A" and the Order denying Defendants' Motion for Rehearing rendered August 2, 2024, annexed hereto as Exhibit "B". The nature of the orders is final orders pursuant to *Florida Rules of Appellate Procedure 9.030(b)(1)(A)*.

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BY: /s/ Mark H. Klein
Mark H. Klein, Esq.
Fla. Bar No. 607347

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE 8-9 AD 2024
JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County
Deputy Clerk [Signature]



12662

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court by using the Florida Courts e-Filing Portal sent via Email transmission to Matthew B. Leider, Esq. and Melisa Manganelli, Esq., Law Offices of Manganelli, Leider & Savio, P.A., 1900 NW Corporate Boulevard, Suite 200W, Boca Raton, Florida 33431 at service@mls-pa.com on this 9th day of August 2024.

BY: /s/ Mark H. Klein
Mark H. Klein, Esq.

EXHIBIT “A”

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2018-017118-CA-01

SECTION: CA06

JUDGE: Charles Johnson

WILMINGTON SAVINGS FUND SOCIETY FSB

Plaintiff(s)

vs.

GUILLERMO GENIE et al

Defendant(s)

**FINAL JUDGMENT OF FORECLOSURE (IN ACCORDANCE WITH
ADMINISTRATIVE MEMORANDUM CIV 12-E 24 CA 01)**

THIS ACTION was heard before this court on June 26, 2024, and held via zoom on the evidence presented.

ORDERED AND ADJUDGED that Plaintiff's Final Judgment is **GRANTED** against all Defendants, GUILLERMO GENIE; CARMEN CAZORLA; THE BANK OF NEW YORK MELLON, f/k/a THE BANK OF NEW TRUSTEE FOR THE BENEFIT OF THER CERTIFICATEHOLDERS OF THE CWHEQ INC., HOME EQUITY LOAN ASSET-BAKED CERTIFICATES, SERIES 2006-S7, ESPLANADE PATIO HOMES ASSOCIATION, INC. and IMPERIAL LAKE MASTER ASSOCIATION, INC.

1. Amounts Due and Owing. Plaintiff is due:

| | |
|--|--------------|
| Principal due on the note secured by the mortgage foreclosed: | \$246,568.17 |
| Accrued Interest on from 05/01/13 to 06/26/24 (per diem \$55.65) | \$118,232.70 |
| Prior Servicer Corporate Advance Balance | \$28,454.86 |
| Estimated Payoff Charges from Servicer | \$130.50 |
| Late Fees Due from Paid-to-Date | \$2,102.25 |
| Lender Placed Insurance | \$4,434.34 |
| Property Preservation Costs | \$179.50 |
| Negative Escrow Balance | \$108,284.66 |

| | |
|------------------------------------|---------------------|
| Admin Fee | \$330.00 |
| Tax Payment Advances | \$4,926.93 |
| <u>Court Costs, Now Taxed:</u> | |
| Filing fee | \$1,981.00 |
| Service of Process | \$440.00 |
| Mediation: | \$225.00 |
| Certified Copies: | \$98.00 |
| Overnight Deliveries: | \$200.00 |
| Code Violation Payment: | \$510.00 |
| Property Foreclosure Registration: | \$125.00 |
| Postage: | \$13.65 |
| GRAND TOTAL | \$517,236.56 |

2. **Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of interest, 9.34% a year.

3. **Lien on Property.** Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST VII-A, whose address is 3020 Old Ranch Parkway, Suite 180, Seal Beach, CA 90740, holds a lien for the grand total sum superior to all claims or estates of the Defendants, GUILLERMO GENIE; CARMEN CAZORLA; THE BANK OF NEW YORK MELLON, f/k/a THE BANK OF NEW TRUSTEE FOR THE BENEFIT OF THER CERTIFICATEHOLDERS OF THE CWHEQ INC., HOME EQUITY LOAN ASSET-BAKED CERTIFICATES, SERIES 2006-S7, ESPLANADE PATIO HOMES ASSOCIATION, INC. and IMPERIAL LAKE MASTER ASSOCIATION, INC., on the following described property in Miami Dade County, Florida:

Legal description: Lot 35, Block 6, COUNTRY LAKE PARK FIRST ADDITION, according to the Plat thereof, as recorded in Plat Book 131, Page 51, of the Public Records of Miami-Dade County, Florida.

Property address: 19081 NW 77th Court, Miami, Florida 33015

4. **Sale of property.** If the grand total amount with interest at the rate described in Paragraph 2 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 **August 26, 2024**, at 9:00 A.M. to the highest bidder for cash after having first given notice as required by Section 45.031, Florida Statutes. The subject property shall be sold by electronic sale at: www.miamidade.realforeclose.com.

5. **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, provided, however, that the purchaser of the property for sale shall be responsible for documentary stamps affixed to the certificate of title. 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.

6. **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 the 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; and by retaining any remaining amount pending the further order of this Court.

7. **Right of Possession.** Upon filing of the Certificate of Sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under Chapter 718 or Chapter 720, Fla. Stat., if any (this court reserving jurisdiction to resolve any disputes respecting indebtedness to any homeowners association or condominium association). Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property). Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

8. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, including, without limitation, a deficiency judgment, writs of possession. In addition, this court retains jurisdiction to enter any required supplemental complaint(s) such as a re-foreclosure to add any necessary and /or omitted party without the necessity of filing a separate action.

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 LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM BEFORE THE CLERK REPORTS THE SURPLUS AS UNCLAIMED. THE COURT, IN ITS DISCRETION, MAY ENLARGE THE TIME OF THE SALE. NOTICE OF THE CHANGED TIME OF SALE SHALL BE PUBLISHED AS PROVIDED HEREIN.

(If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type.)

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, 140 WEST FLAGLER STREET, ROOM 908, MIAMI, FLORIDA (TELEPHONE: (305) 375-5943), WITHIN (10) DAYS AFTER THE SALE TO SEE IF THERE IS 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 VERY 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 DADE COUNTY BAR ASSOCIATION, 123 N.W. FIRST AVENUE, SUITE 214, MIAMI, FLORIDA, (TELEPHONE: (305) 579-5733), 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.

9. **Attorney's Fees.** The court finds that Plaintiff is entitled to recover its attorneys' fees. The court reserves as to the reasonableness of the amount and will hold a further evidentiary hearing on the issue.

10. **Plaintiff's Judgment shall be assignable without Order of Court, and any assignee of Plaintiff's Judgment and/or right to bid shall be vested with the same rights and subject to the same terms and conditions, as is the Plaintiff under this Final Judgment Order.**

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 5th day of July, 2024.

 2018-017118-CA-01 07-05-2024 9:26 AM

2018-017118-CA-01 07-05-2024 9:26 AM

Hon. Charles Johnson

CIRCUIT COURT JUDGE

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

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Physically Served:

EXHIBIT “B”

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2018-017118-CA-01

SECTION: CA06

JUDGE: Charles Johnson

WILMINGTON SAVINGS FUND SOCIETY FSB

Plaintiff(s)

vs.

GUILLERMO GENIE et al

Defendant(s)

ORDER DENYING DEFENDANTS' MOTION FOR REHEARING

THIS CAUSE having been considered by this Court upon Defendants' Motion for Rehearing and having reviewed the matter, and the pleadings, it is:

ORDERED and ADJUDGED that:

1. The Defendants' Motion for Rehearing said motion is hereby Denied.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 2nd day of August, 2024.

 2018-017118-CA-01 08-02-2024 4:50 PM

2018-017118-CA-01 08-02-2024 4:50 PM

Hon. Charles Johnson

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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