

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA THIRD  
DISTRICT

CASE NO. 3D2024-0753

GRUPO KONCEPTO  
CORPORATION, a Florida  
corporation  
Appellant,

TRIAL COURT CASE NO.  
2023-15169-CA-01

v.

JARDACK INVESTMENT CORPORATION,  
A Florid corporation,  
Appellee.

\_\_\_\_\_ /

**APPELLANT’S RESPONSE TO ORDER TO SHOW CAUSE**

Appellant, Grupo Koncepto Corporation (“Grupo”) hereby files its Response to the District Court’s Order to Show Cause, dated May 8, 2023, and in support thereof states as follows:

**INTRODUCTION**

On April 4, 2024, Appellant, Grupo, filed an appeal of an order granting summary judgment, dated December 1, 2023, and the denial of the rehearing of the same on March 26, 2024.

On May 8, 2024, the District Court issued an Order to Show

Cause as to why the appeal should not be dismissed as an appeal of a non-final order.

### **PROCEDURAL BACKGROUND AND CASE HISTORY**

1. On April 12, 2023, the Appellee filed a complaint seeking to foreclose on an alleged loan made to the Appellant (Docket Entry 2 in the Trial Court docket (“DE \_\_”).

2. On May 12, 2023, the Trial Court entered a default (DE 13).

3. On May 31, 2023, the Appellee filed a motion for summary judgment (DE 16).

4. On June 14, 2023, the Trial Court vacated the default (DE 22).

5. On June 22, 2023, the Appellant filed its answer and affirmative defenses (DE 23). Also on June 22, 2023, Appellant propounded discovery in the form of Request for Admissions (DE 25) and Request for Production (DE 24).

6. On June 29, 2023, the hearing on the Motion for Summary Judgment filed by the Appellee was scheduled for August 30, 2023 (DE 26).

7. On August 18, 2023, Appellant filed its response to the motion for summary judgment, including a motion to extend time to file supporting affidavits, as provided by Fla. R. Civ. P. 1.510(e)(1), as the principal of Appellant was out of the country attending a funeral for a family member.

8. On August 30, 2023, the Trial Court took heard the motions and took it under advisement.

9. A ruling on the Motion for Summary Judgment was not entered until December 1, 2023. Attached hereto as Exhibit “A” is a copy of said order. On December 1, 2023, the Trial Court entered the Summary Final Judgment. Attached hereto as Exhibit “B” is a copy of said order.

10. On December 8, 2023, the Court entered an Amended Summary Final Judgment. Attached hereto as Exhibit “C” is a copy of said December 8, 2023 Amended Summary Final Judgment.

11. On December 8, 2023, the Appellant filed a Motion for Rehearing, pursuant to Fla. R. Civ. P. 1.530. Prior to the hearing on the Motion for Rehearing, the Trial Judge was changed. The earliest available date for the New Trial Judge to hear the matter was on

February 29, 2024. Following the February 29, 2024 hearing the New Trial Judge issued an order denying the Rehearing which was entered on March 26, 2024. A copy of said order is attached hereto as Exhibit “D”.

### **LAW AND ARGUMENT**

Pursuant to Florida law, final orders that end judicial labor are reviewable by the District Courts pursuant to Fla. R. App. P. 9.030(b)(1)(A). *Irizarry v. State*, 2024 WL 1895332 (Fla. 3D 2024)(in civil cases orders that end judicial labor are final orders for jurisdiction purposes under Fla. R. App. P. 9.030(b)(1)(A)-(B)).

The test to determine if an order is a final appealable order is whether the “order in question constitutes an end to the judicial labor in the cause, and nothing further remains to be done by the court to effectuate a termination of the cause as between the parties directly affected”. *S.L.T. Warehouse Co. v. Webb*, 304 So.2d 97, 99 (Fla. 1974). If an order terminates litigation between the parties it is final. *Bumby & Stimpson, Inc. v. Peninsula Utilities Corporation*, 179 So.2d 414, 416 (Fla. 3D 1965)(“an order terminating litigation between one party and another is final as to them notwithstanding

that in the same case litigation continues between either of those parties and third persons”).

The order granting Summary Judgment, dated December 1, 2023 (“December 1 Order”), did not require any further judicial labor. The December 1 Order stated the following:

1. Plaintiff’s motion is GRANTED based upon Court’s review of the motion, affidavits and records presented.
2. The Court determined the Defendant filed an untimely response. As such, the Court does not reach the merits of the claims of fraud, unclean hands. Etc.

Thus, there was no further judicial labor to be had. *See* Exhibit “A”. There were no pending counterclaims or counts by and between the parties. Appellee’s complaint was to foreclose upon an alleged mortgage. The Trial Court’s December 1 Order and the Summary Final Judgment, both entered on December 1, 2023, terminate all existing litigation and issues between Appellant and Appellee.

As this was a foreclosure litigation case, the Appellee need only file its proposed final judgment with the amount of monies due in said proposed final judgment, based upon the affidavits it filed with

Appellee's Motion for Summary Judgment. This was done on the same day, December 1, 2023, when the Court entered the Summary Final Judgment. See Exhibit "B" ("Summary Final Judgment").

On December 8, 2023, an Amended Summary Final Judgment was entered. See Exhibit "C" ("Amended Summary Final Judgment"). On December 8, 2023, after the entry of the December 1 Order, the Summary Final Judgment and the Amended Summary Final Judgment, the Appellant filed its Motion for Hearing, tolling the time for the filing of the Notice of Appeal. The purpose of the rehearing was to argue the fact that discovery was still pending at the time of the hearing on the Motion for Summary Judgment and to address Appellant's Motion to Give Opportunity to Property Support or Address Fact, pursuant to Fla. R. Civ. P. 1.510(e)(1).

After the December 1, 2023, given the fact that the Trial Court stated "Defendant filed an untimely response. As such, the Court does not reach the merits of the claims of fraud, unclean hands. Etc" [sic], the litigation between the parties had been terminated by the Court. The Court, after December 1, 2023, was not required to take any additional testimony or evidence as it had determined that

it would not proceed on the merits of the Appellant's defenses. The damages had been calculated by the Summary Final Judgment of December 1, 2023.

The Amended Summary Final Judgment was entered at 11:33AM on December 8, 2023. See Exhibit "B". At 6:04PM on December 8, 2023, the Appellant filed for rehearing pursuant to Fla. R. Civ. P. 1.530. The earliest date available for the hearing on the Appellant's Motion for Reconsideration was February 29, 2024. At that point in time, a new judge had been appointed to the civil division where the underlying matter was heard (civil division 04). The new judge denied the motion for rehearing rendering its decision on March 26, 2024.

At the time of the filing of the Motion for Rehearing, which tolled the time for file an appeal under Fla. R. App. P. 9.020(h)(1)(B), the Trial Court had issued a final order which was appealable as it ended all judicial labor. First, the December 1 Order stated that the Trial Court did not need to address the merits of Appellant's defenses and granted the relief sought by Appellee. Second, in the Final Summary Judgment, the Trial Court entered an amount due

as to damages. Following this, the judicial labor was complete and Appellant was entitled to seek a rehearing, which it did.

The rehearing was denied, and thus Appellant is allowed, by Florida law, to seek an appeal of the Trial Court's order granting summary judgment in favor of Appellee, both in the December 1 Order and Summary Final Judgment as they are final in nature.

### **CONCLUSION**

Once the Trial Court granted summary judgment on December 1, 2023, both in the December 1 Order and the Summary Final Judgment entered on the same date, the litigation by and between the parties had terminated. There was no pending claim on the part of the Appellee (Plaintiff in the Lower Court) against the Appellant (Defendant in the Lower Court). Appellant did not have any pending counter-claim. The Trial Court further indicated that it would not address the Appellant's affirmative defenses on the merits. All litigation between Appellant and Appellee was over on December 1, 2023. As such, under Florida law, Appellant is appealing a final order within the jurisdiction of the District Court.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to Maria L. Larrabure, Esq., counsel for Plaintiff, via electronic correspondence this 21<sup>st</sup> day of May, 2024, as provided by the Florida E-Portal Service System.

**/s/ Louis M. Barrios-Balbin**  
(electronic signature)  
Louis M. Barrios-Balbin, Esquire  
Attorney for Appellant  
Florida Bar No. 173118  
BARRIOS-BALBIN, P.A.  
201 Alhambra Circle  
Suite 500  
Coral Gables, Florida 33134  
(305) 443-1923 Telephone  
(305) 443-1925 Facsimile  
[Louis@barriosbalbinpa.com](mailto:Louis@barriosbalbinpa.com)

**CERTIFICATE OF FONT AND TYPE SIZE**

I HEREBY CERTIFY that the font and type size in this Response complies with Florida Rules of Appellate Procedure 9.045(b) requirements in that Bookman Old Style 14-point font was utilized.

**/s/ Louis M. Barrios-Balbin**

(electronic signature)

Louis M. Barrios-Balbin, Esq.

Florida Bar. No. 173118

Counsel for Appellant

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA THIRD  
DISTRICT

CASE NO. 3D2024-0753

GRUPO KONCEPTO  
CORPORATION, a Florida  
corporation  
Appellant,

TRIAL COURT CASE NO.  
2023-15169-CA-01

v.

JARDACK INVESTMENT CORPORATION,  
A Florida corporation,  
Appellee.

\_\_\_\_\_ /

**APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE**

**APPENDIX**

- Exhibit "A" - Order Granting Summary Judgment, dated December 1, 2023
- Exhibit "B" - Summary Final Judgment, dated December 1, 2023
- Exhibit "C" - Amended Summary Final Judgment, dated December 8, 2023
- Exhibit "D" - Order denying rehearing, dated March 26, 2024

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA THIRD  
DISTRICT

CASE NO. 3D2024-0753

GRUPO KONCEPTO  
CORPORATION, a Florida  
corporation  
Appellant,

TRIAL COURT CASE NO.  
2023-15169-CA-01

v.

JARDACK INVESTMENT CORPORATION,  
A Florida corporation,  
Appellee.

\_\_\_\_\_ /

Exhibit "A" - Order Granting Summary Judgment, dated  
December 1, 2023

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

CASE NO: 2023-015169-CA-01

SECTION: CA04

JUDGE: Carlos Guzman

**JARDACK INVESTMENT CORPORATION**

Plaintiff(s)

vs.

**Grupo Koncepto Corp et al**

Defendant(s)

**ORDER ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

**E-filing Number: 174289063**

Date Filed: May 31, 2023

Name of Motion: Plaintiff's Motion for Summary Judgment

This cause having come before the Court on November 21, 2023, upon a status conference hearing to determine the ruling on Plaintiffs Motion for Summary Judgment previously heard by the Court on August 30, 2023, and the Court having reviewed the Motion and its supporting documents, and being otherwise advised, it is hereby:

**ORDERED AND ADJUDGED:**

1. Plaintiff's motion is hereby GRANTED based on the Court's review of the motion, affidavits and records presented.
2. The Court determined the Defendant filed an untimely response. As such, the Court doesn't reach the merits of the claims of fraud, unclean hands, etc.

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 1st day of December, 2023.

2023-015169-CA-01 12-01-2023 9:43 AM



2023-015169-CA-01 12-01-2023 9:43 AM

Hon. Carlos Guzman

**CIRCUIT COURT JUDGE**

Electronically Signed

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

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

**Electronically Served:**

Jennifer L James, jjames@algpl.com

Jennifer L James, jerry@algpl.com

Jennifer L James, filings@algpl.com

Louis M. Barrios-Balbin, louis@barriosbalbinpa.com

Maria L Larrabure Larrabure, mlarrabure@svlawus.com

Maria L Larrabure Larrabure, earcia@svlawus.com

Maria L Larrabure Larrabure, alinan@svlawus.com

**Physically Served:**

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA THIRD  
DISTRICT

CASE NO. 3D2024-0753

GRUPO KONCEPTO  
CORPORATION, a Florida  
corporation  
Appellant,

TRIAL COURT CASE NO.  
2023-15169-CA-01

v.

JARDACK INVESTMENT CORPORATION,  
A Florid corporation,  
Appellee.

\_\_\_\_\_ /

Exhibit "B" - Summary Final Judgment, dated December 1,  
2023

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

CASE NO: 2023-015169-CA-01

SECTION: CA04

JUDGE: Carlos Guzman

**JARDACK INVESTMENT CORPORATION**

Plaintiff(s)

vs.

**Grupo Koncepto Corp et al**

Defendant(s)

\_\_\_\_\_ /

**SUMMARY FINAL JUDGMENT**

This cause having come before the Court on November 21, 2023, upon a status conference hearing to determine the ruling on Plaintiffs Motion for Summary Judgment previously heard by the Court on August 30, 2023, and the Court having reviewed the Motion and its supporting documents, and being otherwise advised, it is hereby:

**ORDERED AND ADJUDGED:**

1. Final Summary Judgment is hereby entered in favor of Plaintiff and against Defendant.

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

PRINCIPAL BALANCE:	\$ 93,000.00
PAST DUE INTERESTS (18% from 12/2022- 11/2023):	\$ 16,746.00
LATE FEES (at 5% from 12/2022-11/2023):	\$ 232.56
ATTORNEY'S FEES: (Pre-Foreclosure	\$ 11,920.00

\$900.00, Foreclosure \$11,020.00)	
COSTS: (Process Server \$180.00, Summons \$25.00, Filing Fee \$1,911.00, Court Reporter \$180.00)	\$ 2, 296.33
TITLE SEARCHES AND REVIEW	\$ 250.00
WIRE FEES	\$ 50.00

**TOTAL: \$ 124,494.89**

3. **Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of 8.54% for which let execution issue.

4. **Lien on Property.** Plaintiff, whose address is c/o Sanchez Vadillo, LLP, 3105 NW 107<sup>th</sup> Avenue, Miami FL 33172, holds a lien for the grand total sum superior to all claims or estates of the defendant(s), on the following described property in Miami Dade County, Florida:

*Unit 2715, of WIND, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 26228, Page 3113, of the Public Records of Miami-Dade County, Florida, as amended, together with an undivided interest in the common elements appurtenant thereto.*

*Property Address: 350 S Miami Avenue, Unit 2715, Miami, FL 33130*

5. **Sale of property.** If the grand total amount with interest at the rate described in Paragraph 2 and all costs accrued after this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale to the highest bidder for cash, except as prescribed in paragraph 6. Pursuant to Administrative Order 11-05, the Clerk of Courts for the Eleventh Judicial Circuit is authorized to conduct on-line public auctions of real property in lieu of on-site auctions. The Clerk of the Courts shall conduct the sale online at [www.miamidade.realforeclosure.com](http://www.miamidade.realforeclosure.com), no earlier than 60 days from the of the Final Judgment, to wit: Tuesday, February 20. 2024, to the highest bidder for cash.

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, provided, however, that the purchaser of the property for sale shall be responsible for the 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.

7. **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.

8. **Right of Redemption/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 Section 45.01315, Florida Statutes (2013) shall be terminated, except as to claims or rights under Chapter 718 or Chapter 720, Fla. Stat., if any. Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property, subject to tenant protections in compliance with the provisions of Section 83.561, Fla. Stat. (2015).

9. **Assignment of Rents.** Upon the entry of this Order, all rents owed by the tenant(s) occupying the subject property shall be paid to Plaintiff via check and sent to: Sanchez Vadillo, LLP, 3105 NW 107<sup>th</sup> Avenue, Miami FL 33172.

10. **Attorney Fees.** The Court finds, based upon the affidavits presented, the plaintiff's counsel attorney's fees listed in paragraph 2 above are 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, 427 So.2d 1145 (Fla. 1985).

11. Judgment is hereby entered in favor of Plaintiff.

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.

**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, 140 WEST FLAGLER STREET, ROOM 908, MIAMI, FLORIDA (TELEPHONE: (305) 375 – 5943), WITHIN TEN (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 TRANSFERING YOU 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 BAY ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 1st day of December, 2023.

2023-015169-CA-01 12-01-2023 9:45 AM



2023-015169-CA-01 12-01-2023 9:45 AM

Hon. Carlos Guzman

**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.

**Electronically Served:**

Jennifer L James, jjames@algpl.com

Jennifer L James, jerry@algpl.com

Jennifer L James, filings@algpl.com

Louis M. Barrios-Balbin, louis@barriosbalbinpa.com

Maria L Larrabure Larrabure, mlarrabure@svlawus.com

Maria L Larrabure Larrabure, earcia@svlawus.com

Maria L Larrabure Larrabure, alinan@svlawus.com

**Physically Served:**

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA THIRD  
DISTRICT

CASE NO. 3D2024-0753

GRUPO KONCEPTO  
CORPORATION, a Florida  
corporation  
Appellant,

TRIAL COURT CASE NO.  
2023-15169-CA-01

v.

JARDACK INVESTMENT CORPORATION,  
A Florid corporation,  
Appellee.

\_\_\_\_\_ /

Exhibit "C" - Amended Summary Final Judgment, dated  
December 8, 2023

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

CASE NO: 2023-015169-CA-01

SECTION: CA04

JUDGE: Carlos Guzman

**JARDACK INVESTMENT CORPORATION**

Plaintiff(s)

vs.

**Grupo Koncepto Corp et al**

Defendant(s)

\_\_\_\_\_ /

**AMENDED FINAL JUDGMENT**

This cause having come before the Court on November 21, 2023, upon a status conference hearing to determine the ruling on Plaintiffs Motion for Summary Judgment previously heard by the Court on August 30, 2023, and the Court having reviewed the Motion and its supporting documents, and being otherwise advised, it is hereby:

**ORDERED AND ADJUDGED:**

1. Final Summary Judgment is hereby entered in favor of Plaintiff and against Defendants.
2. **Amounts Due.** There is due and owing to the Plaintiff the following:

PRINCIPAL BALANCE:	\$ 93,000.00
PAST DUE INTERESTS (18% from 12/2022- 11/2023):	\$ 16,746.00
LATE FEES (at 5% from 12/2022-11/2023):	\$ 232.56
ATTORNEY'S FEES: (Pre-Foreclosure \$900.00, Foreclosure \$11,020.00)	\$ 11,920.00
COSTS: (Process Server \$180.00, Summons \$25.00, Filing Fee \$1,911.00, Court	\$ 2, 296.33

Reporter \$180.00)	
TITLE SEARCHES AND REVIEW	\$ 250.00
WIRE FEES	\$ 50.00

**TOTAL: \$**

**124,494.89**

- Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of 8.54% for which let execution issue.
- Lien on Property.** Plaintiff, whose address is c/o Sanchez Vadillo, LLP, 3105 NW 107<sup>th</sup> Avenue, Miami FL 33172, holds a lien for the grand total sum superior to all claims or estates of the defendant(s), on the following described property in Miami Dade County, Florida:

*Unit 2715, of WIND, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 26228, Page 3113, of the Public Records of Miami-Dade County, Florida, as amended, together with an undivided interest in the common elements appurtenant thereto.*

*Property Address: 350 S Miami Avenue, Unit 2715, Miami, FL 33130*

- Sale of property.** If the grand total amount with interest at the rate described in Paragraph 2 and all costs accrued after this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale to the highest bidder for cash, except as prescribed in paragraph 6. Pursuant to Administrative Order 11-05, the Clerk of Courts for the Eleventh Judicial Circuit is authorized to conduct on-line public auctions of real property in lieu of on-site auctions. The Clerk of the Courts shall conduct the sale online at [www.miamidade.realforeclosure.com](http://www.miamidade.realforeclosure.com), no earlier than 60 days from the of the Final Judgment, **to wit:** \_\_\_\_\_, 2023, to the highest bidder for cash.
- 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 the 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.
- 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.

8. **Right of Redemption/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 Section 45.01315, Florida Statutes (2013) shall be terminated, except as to claims or rights under Chapter 718 or Chapter 720, Fla. Stat., if any. Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property, subject to tenant protections in compliance with the provisions of Section 83.561, Fla. Stat. (2015).
9. **Assignment of Rents.** Upon the entry of this Order, all rents owed by the tenant(s) occupying the subject property shall be paid to Plaintiff via check and sent to: Sanchez Vadillo, LLP, 3105 NW 107<sup>th</sup> Avenue, Miami FL 33172.
10. **Attorney Fees.** The Court finds, based upon the affidavits presented, the plaintiff's counsel attorney's fees listed in paragraph 2 above are 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, 427 So.2d 1145 (Fla. 1985).
11. Judgment is hereby entered in favor of Plaintiff.
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.

**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, 140 WEST FLAGLER STREET, ROOM 908, MIAMI, FLORIDA (TELEPHONE: (305) 375 – 5943), WITHIN TEN (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 TRANSFERING YOU 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 BAY ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 8th day of December, 2023.

2023-015169-CA-01 12-08-2023 11:18 AM 

2023-015169-CA-01 12-08-2023 11:18 AM

Hon. Carlos Guzman

**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.**

**Electronically Served:**

Jennifer L James, jjames@algpl.com

Jennifer L James, jerry@algpl.com

Jennifer L James, filings@algpl.com

Louis M. Barrios-Balbin, louis@barriosbalbinpa.com

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Maria L Larrabure Larrabure, earcia@svlawus.com

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**Physically Served:**

IN THE DISTRICT COURT OF  
APPEAL OF FLORIDA THIRD  
DISTRICT

CASE NO. 3D2024-0753

GRUPO KONCEPTO  
CORPORATION, a Florida  
corporation  
Appellant,

TRIAL COURT CASE NO.  
2023-15169-CA-01

v.

JARDACK INVESTMENT CORPORATION,  
A Florid corporation,  
Appellee.

\_\_\_\_\_ /

Exhibit "D" - Order denying rehearing, dated March 26,  
2024

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

CASE NO: 2023-015169-CA-01

SECTION: CA04

JUDGE: Mavel Ruiz

**JARDACK INVESTMENT CORPORATION**

Plaintiff(s)

vs.

**Grupo Koncepto Corp et al**

Defendant(s)

\_\_\_\_\_ /

**ORDER ON DEFENDANT'S MOTION FOR RECONSIDERATION PURSUANT TO FLA.  
R. CIV. RULE 1.530**

Motion: Motion for Reconsideration

Date filed: December 8, 2023

E-filing number/Docket Entry: 187694742

THIS CAUSE came to be heard on February 29, 2024, before the Honorable Mavel Ruiz, on Defendant's Motion for Reconsideration and the Court having reviewed the file, heard argument of counsel and otherwise being advised on the premises, it is:

ORDERED and ADJUDGED:

1. The Motion for Reconsideration is therefore DENIED.
2. Rehearing the matter would be tantamount to the Court acting in an appellate capacity without authority;
3. The matter shall be stayed for a sixty (60) days.
4. The foreclosure sale shall be set after ninety (90) days from the date of the hearing to wit:  
June 3, 2024

**DONE** and **ORDERED** in Chambers at Miami-Dade County, Florida on this 26th day of March, 2024.

2023-015169-CA-01 03-26-2024 10:57 AM

2023-015169-CA-01 03-26-2024 10:57 AM

Hon. Mavel Ruiz

**CIRCUIT COURT JUDGE**

Electronically Signed

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

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

**Electronically Served:**

Jennifer L James, jjames@algpl.com

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**Physically Served:**