

**DISTRICT COURT OF APPEAL OF
THE STATE OF FLORIDA FOURTH DISTRICT**

MARY A. TUCKER

Appellant,

vs.

Case No. 4D23-2026

LT Case No. CACE 09-034235

SRS FS, LLC

Appellee.

**APPELLANT'S MOTION FOR REHEARING FROM THE COURT'S
NOVEMBER 22, 2023 ORDER DENYING HER NOVEMBER 8, 2023
MOTION FOR STAY PENDING APPEAL FOR ERROR IN LAW AND
PROCEDURAL PROCESS, AND FOR OTHER RELIEF**

COMES NOW, Appellant Mary A. Tucker, and files her Motion for Rehearing from this Court's November 22, 2023 Order Denying Appellant's November 8, 2023 Motion for Stay Pending Appeal for Error in Law and Procedural Process, and for Other Relief and in support thereof would show as follows:

1. On November 13, 2023 this Honorable Court entered an Order denying Appellant's request for emergency treatment of her November 8, 2023 Motion to Stay and directed Appellee to file a response. (**Exhibit "A"**).

2. On November 15, 2023 Appellee filed a response to Appellant's Motion to Stay Pending Appeal ("**Appellee's Original Response**"). Appellee's Original Response states in pertinent part:

3. On November 1, 2023, the lower court entered an Order granting the motion to stay and giving Appellant twenty (20) days from October 20, 2023 to post bond. If bond was not posted within the time period, then the stay was to be vacated, and writ of possession could be issued once the stay was vacated.

4. Appellant did not post the required bond as ordered by the court or any bond for that matter so the stay was vacated and the writ of possession was issued. [Emphasis added].

3. On November 16, 2023 this Court entered an Order striking Appellee's Original Response as not in compliance with Florida Rule of Appellate Procedure 9.045 and directed Appellee to amend the stricken pleading.

4. That same day on November 16, 2023, Appellee filed Appellee's First Amended Response in Opposition to Appellant's Motion to Stay Pending Appeal (“**Appellee's Amended Response**”). Appellee's Amended Response states in pertinent part:

3. On November 1, 2023, the lower court entered an Order granting the motion to stay and giving Appellant twenty (20) days from October 20, 2023 to post bond. If bond was not posted within the time period, then the stay was to be vacated, and writ of possession could be issued once the stay was vacated.

4. Appellant did not post the required bond as ordered by the court or any bond for that matter so the stay was vacated and the writ of possession was issued. [Emphasis added].

5. On November 22, 2023, six days after Appellee's Response to Appellant's Motion to Stay Pending Appeal, this Court entered a 2-part Order

(**Exhibit “B”**): 1) denying as moot Appellant's November 16, 2023 Motion for Order Directing her to Respond to Appellee's Response to her November 8, 2023 Motion for Stay Pending Appeal for Error in Law and Procedural Process, and for Other Relief (“**Order Denying Part 1**”) and 2) denying Appellant's November 8, 2023 Motion for Stay Pending Appeal for Error in Law and Procedural Process, and for Other Relief (“**Order Denying Part 2**”).

6. On December 5, 2023 Appellant filed and served Motion for Rehearing/Rehearing En Banc and/or Clarification from this Court's Order Denying Part 1.

7. On December 7, 2023 Appellant filed and served a timely “Motion for Extension of Time to file a motion for Rehearing from this Court's Order Denying Part 2 (“**December 7 Motion for Extension of Time**”).

8. In her December 7 Motion for Extension of Time, Appellant requested, *inter alia*, “a minimum 30-day” extension (up to an including January 6, 2024) in which to file a Motion for Rehearing from this Court's Order Denying Part 2.

9. On December 22, 2023 this Court entered an Order directing Appellee to respond to Appellant's December 7 Motion for Extension of Time (**Exhibit “C”**).

10. On December 27, 2023 Appellee filed its response in opposition to Appellant's December 7 Motion for Extension of Time.

11. As it relates to her car (Case CACE-23-016017 in the Seventeenth Judicial Circuit in and for Broward County), Appellant continues to work with the Jaguar dealership to ensure that extensive and costly repairs recently done to her car are adequate and that the car is safe to drive.

12. Specifically, on December 29, 2023 Appellant reached out to the Jaguar Dealership by email to schedule an appointment to examine the car (**Exhibit “D”**). The service advisor responded promptly to Appellant's email and made the next available appointment for her to bring the car in for examination on Friday January 5, 2024, to perform additional repairs, if needed, and to reset the “Service Required” warning message.

13. In the meantime, Defendant in the Jaguar case tendered payment pursuant to a confidential settlement agreement. Having consulted with two attorneys, Appellant will deposit the payment on Monday January 8, 2024 with the following statement above her endorsement: “Under protest and without prejudice and with reservation of all rights”. Once the funds are available in Appellant's bank account, the Jaguar case is due to be dismissed pursuant to the agreement.

ARGUMENT

14. This Court relied on false statements counsel for Appellee (“**Mr.**

Waldman”) made in Appellee's Original Response and Appellee's Amended Response (hereinafter “**Responses**”) in denying Appellant's Motion to Stay.

15. Specifically, Mr. Waldman's statements in the Responses that “the stay was vacated and the writ of possession was issued” are patently false.

16. Importantly, Mr. Waldman had an opportunity to remove the false statement when this Court directed him to amend Appellee's Original Response and he failed to do so. Instead, Mr. Waldman doubled down and repeated the falsity in Appellee's Amended Response.

17. The false statement Mr. Waldman filed with this Court is not a simple error such as a harmless scrivener's error, but a willful and deliberate misrepresentation designed to mislead and deceive this Court in order to secure a win for his client. This constitutes fraud upon the Fourth District Court of Appeal.

18. Appellant would like to believe that this Court's failure to notify Mr. Waldman of his misrepresentation was an oversight that should not be construed as “misrepresentation by silence”. See *In re Decker*, 212 So. 3d 302 (Fla. 2017).

19. In point of fact, Mr. Waldman is known for playing fast and loose with the facts in his pleadings filed in both state and federal courts and has demonstrated a pattern of misconduct involving separate and cumulative violations over the years.

20. For instance, on June 20, 2023 Mr. Waldman filed a response (**Exhibit “E”**) to Appellant's motion to continue trial in the lower court. In his response Mr.

Waldman made up and incorporated the following false statement in his response to Appellant's motion to continue trial that is simply not found in the Florida Rule of Civil Procedure 1.460 to which he cited:

3. Pursuant to Rule 1.460, “The motion should show that the party applying has used due diligence to prepare for trial and also what diligence has been used; that [s]he cannot safely proceed to trial without certain evidence or witnesses which are not at hand and cannot be at hand if the trial proceeds at once, or showing the materiality of the expected evidence; that due effort constituting due diligence has been used (stating facts) to procure such evidence, or the attendance of such witnesses; the names and residences of such witnesses, and what facts, as distinguished from legal conclusions, they will swear to, and the reasons of the applicant for h[er] belief that they will so swear; also sufficient facts showing reasonable grounds to believe such testimony or witnesses can be obtained if the action be continued as requested and when, and that there are no other documents or witnesses which can be procured by whom the facts can be proven. Fla. R. Civ. P. 1.460.

21. In actuality, Florida Rule of Civil Procedure 1.460 which governs motions for continuances, and which Appellant quoted and cited in her motion for continuance, to which Mr. Waldman responded, provides in pertinent part that:

“A motion for continuance shall be in writing unless made at a trial and, except for good cause shown, shall be signed by the parties requesting the continuance. The motion shall state all of the facts that the movant contends entitle the movant to a continuance.....”

22. Importantly, Appellant notified Mr. Waldman by email (**Exhibit “F”**) that the “quote/statement [he] represented as Rule 1.460 in [his] 6-20-23 filing with

the court is incorrect.”

23. Mr. Waldman ignored Appellant's email and at the hearing on Appellant's motion to continue, it was co-counsel, Mr. Townsend, who appeared and read the false statement into the record of the lower court.

24. At the hearing, Appellant notified the lower court of the falsity in Mr. Waldman's response and the judge remained silent, then denied Appellant's motion to continue trial.

25. Critically, when given an opportunity to correct the false statements in the Responses he filed in this Court Mr. Waldman took no remedial steps.

26. Mr. Waldman engaged in misconduct that violated several Rules of Professional Conduct including Rule 4-3.3(a)(1) Candor Toward the Tribunal, based in large part on his making and failing to correct the false statement of fact in the Responses he filed with this Court and served upon Appellant.

27. Indeed, Rule of Professional Conduct 4-3.3(a)(1) provides:

“A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer[.]”

28. Further, under Florida Standards for Imposing Lawyer Sanctions 6.1, specific standard 6.12 provides: “Suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court and takes no remedial action.” See *The Florida Bar v. Dupee*, 160 So. 838 (Fla. 2015).

29. Lawyers in this and other districts and states are fined, disciplined, reprimanded and disbarred for their lack of candor toward the courts and violations of related rules for which Mr. Waldman is guilty.

30. While it is primarily the Florida Supreme Court's duty to discipline lawyers for violating the Rules of Professional Conduct as did Mr. Waldman, Appellant requests, at a minimum, this Court strike Appellee's Amended Response from the record, as it did the Original Response, and treat Mr. Waldman's filing as a nullity.

31. As a nullity, given the unique facts and circumstances of the case, and this Court's "plenary power to alter any requirements imposed by the lower tribunal" this Court must grant Appellant's Motion to Stay without bond. See Committee Notes to Rule of Appellate Procedure 9.310(a).

32. Alternatively, if Appellant is required to post bond to be posted 20 days from January 8, 2024 when she deposits the settlement check from the Jaguar case.

33. The granting of this motion will not prejudice any party. The motion is being sought in good faith, not for purposes of delay but to pursue remedies available at law and in equity.

WHEREFORE, Appellant respectfully requests an Order granting her Motion for Rehearing and any other such relief this court deems just, equitable and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by E-service or U.S. mail on this 5th day of January, 2024 to counsel of record for Appellee, Damian G. Waldman, Esq., at damian@dwaldmanlaw.com and service@dwaldmanlaw.com, Law Offices of Damian G. Waldman, P.A., 10333 Seminole Blvd., Units 1 & 2 Seminole, FL 33778.

Respectfully Submitted,

By: s/ *Mary A. Tucker*

Mary A. Tucker, *Pro Se* Appellant

6699 Racquet Club Drive,

Lauderhill, FL 33319

Phone: 954-696-2853

Designated Emails: servemary@gmail.com;

mtuckeronline@gmail.com

EXHIBIT “A”

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

November 13, 2023

MARY A. TUCKER,
Appellant(s)

v.

SRS FS, LLC,
Appellee(s).

CASE NO. - 4D2023-2026
L.T. No. - CACE09034235

BY ORDER OF THE COURT:


ORDERED that the appellant's November 8, 2023 request for emergency treatment is denied. The court will handle the filing in the normal course of business. No motion for rehearing as to this order will be entertained. See generally *Baker v. Frick*, 154 So. 846, 846 (Fla. 1934); *Rsrv. at Wedgefield Homeowners' v. Dixon*, 948 So. 2d 65, 67-68 (Fla. 5th DCA 2007) (holding that the threat of foreclosure proceedings and potential loss of property does not constitute irreparable harm); *B.G.H. Ins. Syndicate, Inc. v. Presidential Fire & Cas. Co.*, 549 So. 2d 197, 198 (Fla. 3d DCA 1989) (holding that irreparable harm is not established if the harm can be adequately compensated by a monetary award). Further,

ORDERED that appellee shall file a response, within ten (10) days from the date of this order, to appellant's November 8, 2023 motion to stay.

Served:
Matthew Zaheer Karim
Mary A. Tucker
Damian G. Waldman

KH

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2023-2026 November 13, 2023

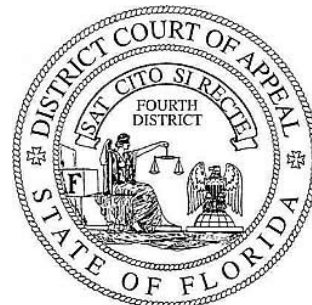


EXHIBIT “B”

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

November 22, 2023

MARY A. TUCKER,
Appellant(s)

v.

SRS FS, LLC,
Appellee(s).

CASE NO. - 4D2023-2026
L.T. No. - CACE09034235

BY ORDER OF THE COURT:


ORDERED that Appellant's November 16, 2023 motion is denied as moot. Appellee filed a response in opposition to Appellant's motion to stay on November 16, 2023. Further,

ORDERED that, upon consideration of Appellee's November 16, 2023 response, Appellant's November 8, 2023 motion to stay is denied.

Served:
Mary A. Tucker
Damian G. Waldman

KH

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2023-2026 November 22, 2023

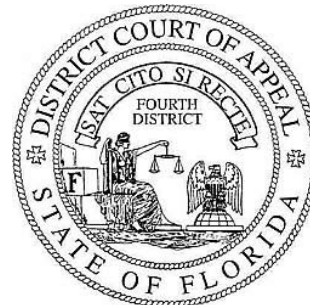


EXHIBIT “C”

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

December 22, 2023

MARY A. TUCKER,
Appellant(s)

v.

SRS FS, LLC,
Appellee(s).

CASE NO. - 4D2023-2026
L.T. No. - CACE09034235

BY ORDER OF THE COURT:

ORDERED that Appellee is directed to respond, within ten (10) days from the date of this order, to Appellant's December 7, 2023 motion.


Served:

Mary A. Tucker

Damian George Waldman

KH

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2023-2026 December 22, 2023

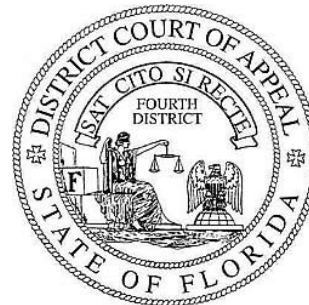


EXHIBIT “D”



2013 Jaguar XJ - Smell oil & Service Required light is on

1 message

Mary Tucker <mtuckeronline@gmail.com>
To: Caraballo, Miguel <CaraballoM@autonation.com>
Bcc: Mary Tucker <servemary@gmail.com>

Fri, Dec 29, 2023 at 2:37 PM

Good afternoon Miguel:

This is a follow up to my email of 11/28/2023. See attached.

Please set up an appointment for me to come with the car ASAP to resolve the 2 above-mentioned issues.

Please advise and thanks.

Happy Holidays!

Regards,

Mary Tucker
Phone: 954-696-2853

CONFIDENTIALITY NOTICE: This email (including attachments) may contain information that is confidential and privileged. If you are not the intended recipient, by the sender of this email (including attachments), you are hereby notified that any unauthorized use, disclosure, copying, dissemination, distribution or any action taken in reliance on this communication is strictly prohibited and may subject you to criminal or civil penalty. If you have received this email (including attachments) in error, please contact the sender immediately and/or delete the email (including attachments) from your system and destroy all hard copies of this email (including attachments) you may have printed or received by fax or by any other means. Thank you.

EXHIBIT “E”

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA
CIVIL ACTION**

SRS FS, LLC,

Plaintiff,

vs.

CASE NO.: CACE 09-034235

MARY A. TUCKER, et al.,

Defendants.

_____ /

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S
MOTION FOR CONTINUANCE OF TRIAL**

COMES NOW, Plaintiff, by and through the undersigned counsel, and hereby files this Response in Opposition to Defendant's Motion for Continuance, and in support thereof, states as follows:

FACTUAL BACKGROUND

1. On or about June 19, 2023, Defendant filed a Motion for Continuance.
2. Whether or not to grant, modify or deny a Motion for Continuance is governed by Rule 1.460, Florida Rules of Civil Procedure. Fla. R. Civ. P. 1.460
3. Pursuant to Rule 1.460, "The motion should show that the party applying has used due diligence to prepare for trial and also what diligence has been used; that [s]he cannot safely proceed to trial without certain evidence or witnesses which are not at hand and cannot be at hand if the trial proceeds at once, or showing the materiality of the expected evidence; that due effort constituting due diligence has been used (stating facts) to procure such evidence, or the attendance of such witnesses; the names and residences of such witnesses, and what facts, as distinguished from legal conclusions, they will swear to, and the reasons of the applicant for h[er] belief that they will so swear; also sufficient facts showing reasonable grounds to believe such testimony or witnesses can be obtained if the action be continued as requested and

when, and that there are no other documents or witnesses which can be procured by whom the facts can be proven.” Fla. R. Civ. P. 1.460.

4. In the subject action, although Plaintiff is empathetic to the death of Defendant’s family members, this action has been pending for over ten years and Defendant has made multiple attempts to stall proceedings, including multiple Bankruptcies.
5. Plaintiff has had a Motion for Relief granted in United States Bankruptcy Court for the Southern District of Florida to prevent further bankruptcies from stalling this matter until resolved. Case Number:22-14596-SMG. The Order granting the Motion for Relief is attached hereto and incorporated herein as an Exhibit.
6. Plaintiff will suffer damages if the stay is granted since they continue to incur costs and fees relating to this transaction including, but not limited to, the payment of taxes, insurance, servicing costs, property preservation costs and fees. These costs and fees continue to accrue while the subject loan is not being paid.

I. Defendant Is Purposefully Delaying Judicial Proceedings

7. Defendant’s Motion for Continuance of Trial are legally are baseless and nothing more than a litigation stall tactic and should be denied.
8. Although Defendant is having difficulty financially due to the death of family members, “financial difficulty” is not the standard of review the Court looks to to grant or deny a continuance.
9. Allowing continuous extensions, over and over again, is a violation of Plaintiff’s procedural due process rights. It is prejudicial towards Plaintiff’s ability to fairly plead their claim.
10. “Procedural due process rights derive from a property interest in which the individual

has a legitimate claim.” See *Metropolitan Dade County v. Sokolowski*, 439 So.2d 932, 934 (Fla. 3d DCA 1983).

11. Similarly, Plaintiff possesses property interest in the subject property; based-on Defendant’s default on the Note and Mortgage, Plaintiff has a legitimate claim to secure its interest and foreclose on the subject property. However, foreclosure proceedings have been excessively stalled by Defendant’s multiple Bankruptcy filings and Motions for Extensions of Time and Motions For Continuance; so extensive, that the judicial proceedings cannot properly proceed forward.
12. Defendant’s stall tactics are creating a burdensome delay and hindering Plaintiff’s right to advocate for relief in this matter. This is prejudicial towards the Plaintiff; it is delaying Plaintiff’s claim.

II. Defendant’s Motion for Continuance Is Legally Insufficient And Immaterial

13. Defendant’s Motion for Continuance should not be granted; as it is legally insufficient and immaterial.
14. 3. Pursuant to Rule 1.460, “The motion should show that the party applying has used due diligence to prepare for trial and also what diligence has been used...”
15. The Motion filed by Defendant does not show what due diligence has been applied to prepare for the upcoming trial. In fact, it appears from the Motion that the Defendant is unprepared, and is wanting an additional 90 days in order to prepare.
16. Moreover, Defendant’s Motion is not supported by exhibits, documentation or another evidence to support the allegations.
17. Pursuant to Florida Rules of Civil Procedure 1.140(f), “A party may move to strike or the court may strike redundant, immaterial, impertinent, or scandalous matter from any

pleading at any time.”

18. Plaintiff is empathetic to the situation, but with that being said, Defendant’s Motion for Continuance should be denied, due to the fact that the claim is immaterial.

III. To allow the Motion to Amend and Motion to Continue would not be fruitful for the Court

19. “Matter should be stricken as redundant or immaterial only if it is wholly irrelevant and can have no bearing on the equities and no influence at all on the decision.” See Gossett v. Ullendorff, 114 Fla. 159, 154 So. 177 (1934); Pentecostal Holiness Church, Inc. v. Mauney, 270 So.2d 762 (Fla.4th DCA 1972).

20. This matter, which ultimately is a basic foreclosure action, should not have to take up more than a decade on the Court’s docket and it would not be fruitful to the Court to allow for it to continue on any longer than the scheduled trial.

21. The basis of these motions holds no merit and are merely a litigation stall tactic.

WHEREFORE, Plaintiff request this Honorable Court deny Defendant’s Motion to Stay Pending Appeal, and award any and all further relief deemed appropriate.

/s/ Damian G. Waldman
Damian G. Waldman, Esq.
Florida Bar No. 0090502
Law Offices of Damian G. Waldman, P.A.
10333 Seminole Boulevard, Unit 1 & 2
Seminole, FL 33778
Telephone: (727) 538-4160
Facsimile: (727) 240-4972
Email: damian@dwaldmanlaw.com
E-Service: service@dwaldmanlaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail and/or electronic mail to all parties on the attached service list this 24th day of January 2023.

/s/ Damian G. Waldman
Damian G. Waldman, Esq.
Attorneys for Plaintiff

SERVICE LIST

SRS FS, LLC
c/o Damian Waldman, Esq.
Law Offices of Damian G. Waldman, P.A.
PO Box 5162
Largo, FL 33779
service@dwaldmanlaw.com
Attorneys for Plaintiff

Mary A. Tucker
6699 Racquet Club Drive, Apt. 198
Fort Lauderdale, FL 33319
servemary@gmail.com
mtuckeronline@gmail.com

The Courts of Inverrary Condominium Association, Inc.
c/o Kathryn A. Desire, Esq.
1200 Park Central Boulevard South
Pompano Beach, FL 33064
bankfilings@KBRLegal.com

FIA Card Services, National Association f/k/a MBXIA America Bank, NA
1100 North King Street
Wilmington, DE 19801

Citibank South Dakota
c/o Legal Dept.
701 E. 60th Street North
Sioux Falls, SD 57104

Banco Popular North America Successor by Merger to Kislak National Bank
11 West 51st Street
New York, NY 10019

Internal Revenue Service - Department of the United States Treasury
99 NE 4th Street
Miami, FL 33132

Unknown Tenant #1 n/k/a Jennifer Mann
6699 Racquet Club Dr., Unit 198, Building No. 22
Lauderhill, FL 33119



ORDERED in the Southern District of Florida on September 20, 2022.

A handwritten signature in black ink that reads "Scott M. Grossman".

Scott M. Grossman, Judge
United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

IN RE:

Mary Tucker

Debtor(s)

CASE NO: 22-14596-SMG
Chapter 13

**ORDER GRANTING AMENDED MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AND IMPOSING A TWO (2) YEAR FILING BAR**

THIS CAUSE came on before the Court upon Secured Creditor, SRS FS, LLC's Amended Motion for Relief from Automatic Stay and to Impose a Filing Bar [Doc. No. 26] (the "Motion"). This Court, (i) having reviewed the Motion and the Debtor's objection and response thereto, (ii) having examined the court record and heard arguments of counsel and arguments of Debtor, and (iii) being fully advised in the premises determined the motion is GRANTED. Accordingly, it is

ORDERED AND ADJUDGED:

1. Secured Creditor's Amended Motion for Relief from Automatic Stay and to Impose a Filing Bar is **GRANTED**.
2. The automatic stay imposed by 11 U.S.C. § 362(c)(3)(a) has been terminated since July 22, 2022 and will continue as terminated with respect to SRS FS, LLC and with respect to the real property located at **6699 RACQUET CLUB DRIVE, LAUDERHILL, FL 33319**, legally described as:

THE FOLLOWING DESCRIBED LAND, SITUATE, LYING AND BEING IN COUNTY, FLORIDA, TO WIT:

UNIT NO. 198, BUILDING NO. 22 OF THE COURTS OF INVERRARY, PHASE III-B CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS OF BOOK 8886, PAGE 875, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH ALL APPURTENANCES THERETO, INCLUDING LIMITED COMMON ELEMENTS AND UNDIVIDED INTEREST IN THE COMMON ELEMENTS OF SAID CONDOMINIUM, AS SET FORTH IN THE DECLARATION.

FOR INFORMATION PURPOSES ONLY, THE APN IS SHOWN BY THE COUNTY ASSESSOR AS 19122-CA-01600; SOURCE OF TITLE IS BOOK 30980, PAGE 1714 (RECORDED 11/01/00)

3. This Order is entered for the sole purpose of allowing Secured Creditor to pursue all available rights and remedies in its foreclosure action and to seek an *in rem* judgment against the property, to have a judicial foreclosure sale of the property conducted, for certificates of sale and title to be issued to the successful purchaser at sale, and to gain possession of the property. Said creditor shall neither seek nor obtain an *in personam* judgment against the Debtor.
4. This Court finds that the six bankruptcies filed by the Debtor ((1)11-25753; (2) 12-17573; (3) 14-11822; (4) 19-19364; (5) 21-20682; and (6) 22-14596) and

the facts and circumstances surrounding the bankruptcy filings show Debtor's intent to commit a scheme to hinder and delay Secured Creditor's enforcement of its *in rem* rights against the subject property, and as such, hereby implements a **TWO (2) YEAR FILING BAR**, pursuant to 11 U.S.C. § 362(d)(4).

5. Movant's request to waive the 14-day stay period pursuant to Bankruptcy Rule 4001(a)(3) is **GRANTED**.

###

Order submitted by:

Damian G. Waldman, Esq.
Law Offices of Damian G. Waldman, P.A.
P.O. Box 5162
Largo, FL 33779
Phone: (727) 538-4160
Facsimile: (727) 240-4972
Email Service: damian@dwaldmanlaw.com
Attorneys for Secured Creditor

Damian G. Waldman is directed to mail a conformed copy of this Order to all interested parties immediately upon receipt of this Order and shall file a certificate of service with the Clerk of the Court.

SERVICE LIST

Pro Se Debtor

Mary Tucker
6699 Racquet Club Drive
Lauderhill, FL 33319

Trustee

Robin R Weiner
POB 559007
Fort Lauderdale, FL 33355

U.S. Trustee

Office of the US Trustee
51 S.W. 1st Ave.
Suite 1204
Miami, FL 33130

EXHIBIT “F”



Re: SERVICE OF COURT DOCUMENT CASE NUMBER 062009CA034235AXXXCE SRS FS LLC VS INTERNAL REVENUE SERVICE - DEP

1 message

Mary Tucker <servemary@gmail.com>
To: damian <damian@dwaldmanlaw.com>
Cc: service <service@dwaldmanlaw.com>
Bcc: Mary Tucker <mtuckeronline@gmail.com>

Sun, Jun 25, 2023 at 6:56 PM

Good evening Mr. Waldman:

Are you open to an agreed order to continue the trial in light of my filings today?

Also, that quote/statement you represented as Rule 1.460 in your 6-20-2023 filing with the court is incorrect. May I know why you did that?

Please advise and thanks.

Regards,

Mary Tucker
954-696-2853

CONFIDENTIALITY NOTICE: This email (including attachments) may contain information that is confidential and privileged. If you are not the intended recipient, by the sender of this email (including attachments), you are hereby notified that any unauthorized use, disclosure, copying, dissemination, distribution or any action taken in reliance on this communication is strictly prohibited and may subject you to criminal or civil penalty. If you have received this email (including attachments) in error, please contact the sender immediately and/or delete the email (including attachments) from your system and destroy all hard copies of this email (including attachments) you may have printed or received by fax or by any other means. Thank you.

On Sun, Jun 25, 2023, 6:36 PM <eservice@myflcourtagency.com> wrote:

Notice of Service of Court Documents

Filing Information

Filing #: [176065131](#)
Filing Time: 06/25/2023 06:36:29 PM ET
Filer: Mary A. Tucker Tucker 954-696-2853
Court: Seventeenth Judicial Circuit in and for Broward County, Florida
Case #: 062009CA034235AXXXCE
Court Case #: CACE-09-034235
Case Style: SRS FS LLC VS INTERNAL REVENUE SERVICE - DEP

Documents

Title	File
Motion For Continuance	MTNCONTINUE_archive.pdf
Motion To Take Judicial Notice	MTNJUDICIALNOTICE_archive.pdf

E-service recipients selected for service:

Name	Email Address
Damian G Waldman	damian@dwaldmanlaw.com
	tammeaka@dwaldmanlaw.com
	service@dwaldmanlaw.com
Mary Tucker	mtuckeronline@gmail.com
Mary A. Tucker Tucker	servemary@gmail.com
	buyselltell@aol.com

E-service recipients not selected for service:

Name	Email Address
Christian McCue	christian.mccue@mccuelaw.com
Andrew H. Braaksma, Esq.	andy@pmcklaw.com
Deborah S Sugarman	bankfilings@kbrlegal.com
Andrew Braaksma	foreclosure@pmcklaw.com
Diana A Ho-Yen	dianahoyen@yahoo.com
	dianahoyen01@gmail.com
Jeffrey Mitchell Glotzer	jeff@frascona.com
	scarlet@frascona.com
	jeffreymglotzer@hotmail.com
Jeremy Apisdorf	japisdorf@haber.law
	Service@haber.law
	irodriguez@haber.law
Linda	Efile@fight13.com
Kathryn Angela Desire	bankfilings@KBRLegal.com
Leonard Oreste Townsend Townsend	lentownsend@gmail.com
	lentownsend@ltownsendlaw.com
	lentownsend@gmail.com
Dinna Toth, Esq	dinna@toth-law.com
David Miller, Esq	david@dwaldmanlaw.com
John P. Koplitz, Esq	john@dwaldmanlaw.com
Paul A. Mckenna	paul@pmcklaw.com
	eservice@pmcklaw.com
	litigations@pmcklaw.com
Mary Tucker	servemary@gmail.com
	buyselltell@aol.com
Paul Mckenna	paul@pmcklaw.com
	foreclosures@pmcklaw.com
	litigations@pmcklaw.com
N/A	christianmccue@comcast.net
Shelley Murray	efilings@kbrlegal.com
	SMurray@KBRLegal.com
	Jeanna@KBRLegal.com

This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Document Access Link(s) will be active for 14 days (excluding weekends) after the Clerk accepts the submission or it is abandoned. In addition to access to the link for 14 days (excluding weekends), the documents will also be available, after acceptance by the Clerk, to counsel of record in the portal on the My Cases page, by clicking on the case number and then the document name, or by accessing the Clerk's website.

If you are not associated with this case and wish to be removed, please click [here](#) to request to be removed from the E-service list.

Thank you,
The Florida Courts E-Filing Portal

The following identifier(s) are associated with this transaction:

request_id#:176065131;Audit#:601511070;UCN#:062009CA034235AXXXCE;