

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

CASE NO: 2013-010209-CA-01

SECTION: CA10

JUDGE: Peter R. Lopez

Ert 163rd Street Mall (llc)

Plaintiff(s)

vs.

Noel Enterprises (llc)

Defendant(s)

**AGREED FINAL ORDER DIRECTING DISBURSEMENT OF GARNISHED FUNDS AND
RESOLVING PENDING MATTERS**

This action came on for consideration of the June 14, 2023 Joint Motion for Final Order Directing Disbursement of Garnished Funds and Resolving Pending Matters (*“the Motion”*), filed by Plaintiff, ERT 163RD STREET MALL, LLC (*“ERT”*) and Defendant, MERCY NOEL (*“Noel”*). The Motion relates to a Writ of Garnishment (*“the Writ”*) that ERT caused to be served on Garnishee, WE FLORIDA FINANCIAL CREDIT UNION (*“Garnishee”*) and further resolves all pending matters before the Court.

The record reflects that in its amended answer to the Writ, Garnishee acknowledged a combined indebtedness from Garnishee to Noel in the form of a deposit account containing \$17,379.43 (*“the Garnished Funds”*). The record further reflects that ERT and Noel have entered into a Settlement Agreement concerning the underlying Final Judgment entered in this action against Noel. The Settlement Agreement provides, in part, for the payment of the Garnished Funds to ERT. ERT and Noel have therefore agreed to the entry of an Order concerning the Garnished Funds and resolving the following pending matters: (i) Noel’s Claim of Exemption and Request for Hearing, (ii) ERT’s Objection to Claim of Exemption, (iii) ERT’s Motion to Shorten Time, (iv) Noel’s Motion to Set Aside Default Judgment and Set a New Trial Date, (v) ERT’s Motion in

Limine, (vi) Noel's Motion for Extension of Time, and (vii) ERT's Motion for Charging Order, or in the Alternative, to Foreclose Ownership Interest in Closely Held Limited Liability Company.

Accordingly, ***IT IS ORDERED that:***

1. The Motion is Granted.
2. WE Florida Financial Credit Union is ordered to pay \$17,379.43 to ERT within twenty-one (21) days from the date of this Order by check made payable to "Shumaker, Loop & Kendrick, LLP Trust Account", and sent to Shumaker, Loop & Kendrick, LLP at 101 E. Kennedy Blvd., Suite 2800, Tampa, FL 33602.
3. Within ten (10) business days of receipt of the Garnished Funds, ERT is ordered to file a Satisfaction of the Writ of Garnishment directed to Garnishee.
4. Noel's Claim of Exemption is denied as moot.
5. Noel's Motion to Set Aside Default Judgment, filed on January 30, 2023, is denied as moot.
6. ERT's Motion in Limine, filed on March 7, 2023, is denied as moot.
7. Noel's Motion for Extension of Time to Respond, filed on March 9, 2023, is denied as moot.
8. ERT's Motion for Charging Order, or in the alternative, Motion to Foreclose Ownership Interest in Forsaken Properties, LLC, filed on March 31, 2023, is denied as moot.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 17th day of June, 2023.


2013-010209-CA-01 06-17-2023 9:43 AM

2013-010209-CA-01 06-17-2023 9:43 AM

Hon. Peter R. Lopez

CIRCUIT COURT JUDGE

Electronically Signed

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

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Allison L Friedman, afriedmanpa@outlook.com

Allison L Friedman, legalalfpa@gmail.com

Jonathan Lee Kudulis, garn@krpfirm.com

Jonathan Lee Kudulis, collections@krpfirm.com

Stefan Beuge, sbeuge@shumaker.com

Stefan Beuge, mhartz@shumaker.com

Physically Served: