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

ERT 163rd STREET MALL, LLC,

Plaintiff,

owpo v.

CASE NO.: 2013-CA-10209

NOEL ENTERPRISES, L.L.C.,
LINDA NOEL AND MERCY NOEL,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL SUMMARY JUDGMENT

This matter came before the Court at hearing on ~~June 6,~~ ^{July 23,} 2013 on the Motion for Summary Judgment (the "Motion"), filed by the Plaintiff, ERT 163rd STREET MALL, LLC. The Court having reviewed the Motion and supporting affidavit, having reviewed the Court file, and being otherwise duly advised in the premises, it is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. Final Judgment shall be and hereby is entered in favor of the Plaintiff and against NOEL ENTERPRISES, LLC and LINDA NOEL as set forth herein.
3. Plaintiff is the owner of real property in Miami-Dade County, Florida, located at 1421 North East 163rd Street, Miami, Florida 33162, and commonly known as the Mall at 163rd Street.
4. On or about August 31, 2007, Plaintiff granted Noel Enterprises, LLC the right to use and occupy about 1,163 square feet of commercial space (Store No. 1358) within the Mall at 163rd Street Shopping Center (the "Premises") under an Agreement of Lease (the "Lease").

5. On or about August 31, 2007, as a material inducement to Plaintiff executing the Lease, Linda Noel executed a Guaranty (the "Guaranty").

6. Noel Enterprises, LLC was obligated by the Lease, but failed, to pay minimum monthly rent in addition to Noel Enterprises, LLC's proportionate share of the common area expenses, real estate taxes and insurance.

7. As of May 1, 2013, Noel Enterprises, LLC owes to Plaintiff the sum of \$101,590.35.

8. Therefore, in accordance with the laws of the State of Florida, Judgment for Possession is hereby **ENTERED** in favor of Plaintiff and against Noel Enterprises, LLC.

9. The Clerk of this Court shall issue a Writ of Possession commanding the Sheriff to remove all persons from the Premises and place Plaintiff in possession of the Premises.

10. Pursuant to the Guaranty, Linda Noel is liable for 24 months of unpaid Rent and Additional Rent, which, for the 24 months for which the Linda Noel is liable, totals \$56,936.46.

11. Plaintiff, whose address is 420 Lexington Avenue, Seventh Floor, New York, NY 10170, shall recover:

- a. From Defendant Noel Enterprises, LLC, whose last known address is 1421 NW 163rd Street, Store Number 1358, Miami, Florida 33169, the sum of One Hundred One Thousand Five Hundred Ninety and 35/100 Dollars (\$101,590.35), which shall bear interest at the prevailing statutory rate pursuant to F.S. §55.03.
- b. From Defendant Linda Noel, whose last known address is 275 NW 157 Street, Miami, Florida 33169, the sum of Fifty-six Thousand Nine Hundred Thirty-six and 46/100 Dollars (\$56,936.46), which shall bear interest at the prevailing statutory rate pursuant to F.S. §55.03.

12. Plaintiff is the prevailing party and is entitled to recover its attorneys' fees and costs in an amount to be determined at a subsequent hearing.

13. Pursuant to Rule 1.560(c), Florida Rules of Civil Procedure, Noel Enterprises, LLC and Linda Noel shall each complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), attached hereto as **Exhibit "A"**, including all required attachments, and serve it on Plaintiff's attorney within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.

14. The Court reserves jurisdiction over this cause to enter further orders that are proper, including an order to compel Defendants to complete Form 1.977, including all required attachments, and serve it on the Landlord's attorney.

DONE AND ORDERED in Chambers, at Miami-Dade County, Florida, this 23 Day of July, 2013.

ORIGINAL
JUDGE PETER R. LOPEZ


Hon. Peter R. Lopez
Circuit Court Judge

Copies furnished to:
Attorney for Plaintiff
Brian C. Willis, Esq.
101 E. Kennedy Blvd., Suite 2800
Tampa, FL 33602

Noel Enterprises, LLC
1421 NW 163rd Street, Store Number 1358
Miami, FL 33169

Linda Noel
275 NW 157 Street
Miami, FL 33169