

IN THE CIRCUIT COURT OF THE 11TH CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

LINDA JOSEPH.

Plaintiff,

Case Number:

Vs.

CLERK OF THE COURT MIAMI-DADE
COUNTY, FLORIDA, CREDO, LLC a
Florida Limited Liability Corporation, ARVON
FUNDING LLC, aao GORDON FOOD SERVICE, INC.
Defendants.

COMPLAINT

Plaintiff, LINDA JOSEPH, (hereinafter "JOSEPH" or "Plaintiff"), by and through undersigned counsel hereby sues the Defendants, CLERK OF THE COURT, MIAMI-DADE COUNTY, FLORIDA, (hereinafter "CLERK"), CREDO LLC, (hereinafter "CREDO"), aao GORDON FOOD SERVICE, INC., (hereinafter "GORDON"), and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. LINDA JOSEPH, is a resident of Miami-Dade County and resides at 16200 NW 2nd Avenue TH #102, Miami, FL 33169.
2. CREDO, LLC., is a Florida Limited Liability Corporation organized and existing under the laws of the state of Florida, with its principle offices located at 19 West Flagler Street, 912, Miami, FL 33130.
3. ARVON FUNDING LLC, is a Florida Limited Liability Corporation organized and existing under the laws of the state of Florida, with its principle offices located at 1300 Gezon Parkway, S.W., Wyoming, MI 49509.
4. GORDON FOOD SERVICE, INC., is a Florida Corporation organized and existing under the laws of the state of Florida, with its principle offices located at 1300 Gezon Parkwa, SW, Wyoming, MI 49509.
5. CLERK OF THE COURT MIAMI DADE COUNTY lying wholly within Miami-Dade County, Florida.

6. Jurisdiction and venue is proper in this Court as the surplus at issue is located in Miami-Dade County, Florida, and where the cause of action accrued.

GENERAL ALLEGATION

7. On or about March 25, 2015 property described as Lot 10, Block 2, GREGORY HGTS, Plat Book 49, Page 75, Miami-Dade County, Florida was sold in a tax deed foreclosure sale.

8. Plaintiff was the owner of the above referenced property prior to the tax deed foreclosure sale.

9. A surplus of approximately \$60,000.00 remains in the court registry as a result of the tax deed foreclosure sale.

10. Thereupon, Plaintiff timely filed a claim for the surplus funds with the clerk of court.

11. Plaintiff is entitled to the surplus funds as her claim is superior to that of Defendants.

COUNT I – DECLARATORY INJUNCTIVE RELIEF

12. Plaintiff incorporates by reference paragraphs 1 through 10 as though they were set forth in full herein.

13. This is an action for declaratory judgment that exceed \$15,000 exclusive of costs and attorney's fees.

14. Plaintiff was the owner of the following described property in Miami-Dade County, Florida until it was sold in tax deed foreclosure case number 014A00866:

- a. Lot 10, Block 2, GREGORY HGTS, Plat Book 49, Page 75, Miami-Dade County, Florida.

By virtue of a QuitClaim Deed executed on July 15th, 2002. Attached hereto as Exhibit "A".

15. The foregoing property was sold to BH-NV Investments LLC, whose principle address is 3311 SW 53rd Street, Ft. Lauderdale, FL 33312 on March 19, 2015, for \$73,700.00.

16. Plaintiff timely filed all necessary forms and made a claim for the surplus which is approximately \$60,000.00.

17. Defendants failed to make a claim for the surplus from the tax deed foreclosure sale in a timely manner.

18. Any and all claims of the Defendants have been satisfied or are inferior to that of Plaintiff.

19. Plaintiff contends that Plaintiff is entitled to the tax deed foreclosure sale surplus which is approximately \$60,000.00.

20. There is uncertainty as to who is entitled to the balance of the surplus.

21. Plaintiff demands judgment declaring the right of entitlement to the surplus funds.

WHEREFORE, Plaintiff requests that a judgment declaring the rights to the surplus, as well as such other relief that the Court deems to be just and right including court costs and reasonable attorney's fees.

Respectfully submitted,

_____/s/ **Cristobal D. Padron**_____
CRISTOBAL D. PADRON
Florida Bar No. 92504
Attorney for the Plaintiff

CRISTOBAL D. PADRON ASSOC., P.A.
2095 West 76 Street, Suite 111,
Hialeah, FL 33016
Tel: (786)253-3479
Fax: (305)675-7787
c.padron.esq@gmail.com

20530PG4563

LF298-04

02R439004 2002 JUL 16 10:42

DOCSTPDEE 0.60 SURTX 0.00
HARVEY RUVIN, CLERK DADE COUNTY, FL

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 15 day of JULY, 2002 (year).

by first party, Grantor. MERCY D. NOEL
whose post office address is 16200 NW 2 AVE TH #102 MIAMI FL 33169
to second party, Grantee. LINDA JOSEPH
whose post office address is 16200 NW 2 AVE TH #102 MIAMI FL 33169

WITNESSETH, That the said first party, for good consideration and for the sum of Dollars (\$ 0.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of MIAMI-DADE, State of FLORIDA to wit:

LOT 10 BLOCK 2 PB 49-75 62.00X 105
GREGORY HEIGHTS
12350 N.W. 15 AVENUE
NORTH MIAMI FLORIDA 33168 FOLIO # 06-21260210300

105

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Tertulien Noel
Signature of Witness

TERTULIEN NOEL
Print name of Witness

William Debe
Signature of Witness

WILLIAMSON DEBE
Print name of Witness

Mercy D. Noel
Signature of First Party

MERCY D. NOEL
Print name of First Party

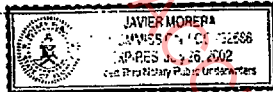
Signature of First Party

Print name of First Party

State of _____
County of _____
On _____ before me,
appeared

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

[Signature]
Signature of Notary



State of FLORIDA
County of Miami-Dade
On July 15, 2002 before me,
appeared Mercy D. Noel

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

Signature of Notary



Affiant Known _____ Produced ID _____
Type of ID _____

(Seal)
RECORDED IN CLERK'S RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

Affiant Known _____ Produced ID _____
Type of ID _____

Mercy D. Noel
Signature of Preparer
MERCY D. NOEL
Print Name of Preparer
16200 NW 7 AVE MIAMI FL 33149
Address of Preparer