

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

LINDA JOSEPH,
Plaintiff,

vs.

CLERK OF THE COURT MIAMI-DADE
COUNTY, FLORIDA et al
Defendants

CIVIL DIVISION

CASE NO: 2016-7636 CA 01

ANSWER

The Defendant, CREDO, LLC, by and through its undersigned attorney hereby answers the Complaint and states as follows:

1. Paragraphs 1, 2, 3, 4, 5 and 6 are hereby *ADMITTED*.
2. Paragraph 7 is admitted to the extent that it claims the described property was sold at a tax deed sale, and denied to the extent that it contends said sale was a foreclosure sale.
3. Paragraphs 8 through 21 are hereby *DENIED* and the Defendant demands strict proof thereof.

AFFIRMATIVE DEFENSES

1. As and for its first affirmative defense, Defendant, Credo LLC, states that it was the previous owner of the subject property and is entitled to any funds. All interest of Plaintiff was divested by virtue of a Sheriff's Deed, dated March 26, 2014, and recorded in Official Records Book 29124 at Page 1111 of the Public Records of Miami-Dade County, Florida.
2. As and for its second affirmative defense, Defendant, Credo, LLC, states that Linda Joseph has unclean hands and has committed fraud upon this Court. Defendant, Credo's inclusion in this lawsuit acknowledges both its claim to the surplus funds and its ownership interest in the subject property prior to the tax deed sale.

3. As and for its third affirmative defense, Defendant, Credo LLC, asserts that it is the only party entitled to the surplus funds. Indeed, Credo LLC timely filed its claim to the surplus funds with the Miami-Dade Clerk of Court.

CROSS/COUNTER CLAIM

CREDO LLC, by and through its undersigned attorney, sues Linda Joseph and Harvey Ruvin, as the Clerk of the Court of the 11th Judicial Circuit, in and for Miami-Dade County, Florida, and states:

1. This is an action for declaratory relief.
2. Cross/Counter Claimant, Credo LLC, is a Florida limited liability company ("Credo").
3. Linda Joseph (The Fraudulent Claimant") is a resident of Miami-Dade County, Florida, and is otherwise sui-juris.
4. Harvey Ruvin is the Clerk of the Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida. (the "Clerk of the Court")
5. On or about March 26, 2014, Credo purchased certain real property located at 12350 NW 15th Avenue, Miami, Florida (the "Subject Property"), at a duly advertised sheriff's sale conducted in accordance with Chapter 56, Florida Statutes.
6. A Sheriff's Deed evidencing Credo's ownership in the Subject Property, and divesting the Fraudulent Claimant of same, was recorded in Official Records Book 29124 at Page 1111 of the Public Records of Miami-Dade County, Florida.
7. On or about March 26, 2015, the Subject Property was sold at tax deed auction to BH NV Investments, LLC, for the sum of \$73,700.00. Of that amount approximately \$60,000.00 remains in the possession of the Clerk of the Court.
8. The Fraudulent Claimant did not own the Subject Property at the time of the tax deed sale, or at any time thereafter, and has no claim to the surplus funds.

9. Credo was the owner of the Subject Property at the time of the tax deed sale, timely made its application for surplus funds with the Clerk of the Court, and is the only party entitled to same.

10. All parties claiming an interest in the surplus funds are properly before this Court.

11. There is a bona fide dispute which requires adjudication.

WHEREFORE, it is respectfully requested that the surplus funds in the possession of the Clerk of the Court be ordered to be paid to Credo.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 12, 2016, I electronically filed the foregoing document with the Clerk of the Courts by using the Florida Courts E-Filing Portal (the "Portal") as required by Rule 2.516, Florida Rules of Judicial Administration (the "Rule"). I hereby further verify that the Portal uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A) of the Rule, and will serve the foregoing document on each party by e-mail in compliance with the Rule.

Respectfully submitted,

RONIEL RODRIGUEZ IV, P.A.

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