

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 17-21912-LMI
CHAPTER: 13

IN RE:

LINDA JOSEPH

SS: XXX-XX-2868,

DEBTOR

JAN 16 2018



RESPONSE TO DEBTOR'S MOTION FOR ORDER AVOIDING JUDICIAL LIEN

COMES NOW, the Creditor, CATHY EDELMAN, by and through her undersigned attorney and files this, her RESPONSE TO MOTION FOR ORDER AVOIDING JUDICIAL LIEN and for reasons therefore states as follows:

1. Without knowledge, therefore denied;
2. Deny. Debtor does not hold title in subject property at 275 NW 157 Street, Miami, FL 33169 legally described as:

Lot 471, BISCAYNE GARDENS SECTION B, Plat Book 40, Page 49, of the Public Records of Miami-Dade County, Florida

3. Without knowledge, therefore denied;
4. Admit. Creditor holds judgment;
5. Admit. Creditor's judgment recorded in Official Records Book 29328, Page 2299;

RELIEF REQUESTED AND BASIS FOR RELIEF

6. Relief should be denied since Debtor does not own any right, title, and interest in the subject property;
7. Is not pertinent since Debtor does not own the subject property;

8. Relief should be denied since Debtor does not own any right, title, and interest in the subject property;
9. Relief should be denied since Debtor does not own any right, title, and interest in the subject property;

EXHIBIT 'A'

10. That attached hereto is 2017 Real Estate Property Taxes folio no: 30-2113-001-0710 confirming 275 NW 157 Street, Miami, FL 33169 title is vested in Marthacia Exilus Joseph;

EXHIBIT 'B'

11. Further attached is Warranty Deed recorded in Official Records Book 28393, Page 493 on December 12, 2012 wherein subject property was conveyed by Mercy D. Noel and Linda Joseph Noel to Joseph Macellon;

EXHIBIT 'C'

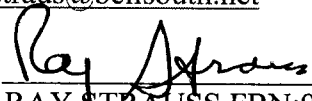
12. Further attached is subsequent Warranty Deed recorded April 23, 2013 in Official Records Book 28594, Page 3467 where in Macellon Joseph conveyed property to Marthacia Exilus Joseph;

EXHIBIT 'D'

13. Subsequently Macellon Joseph attempted to convey the subject property to Martha Joseph, his wife (labeled deceased) and Linda Joseph. This Deed is without validity since, per record, title had already been conveyed in Exhibit 'C';
14. It would appear that subject property, per Exhibit 'C', is vested in Marthacia Exilus Joseph subject to probate of her estate.

WHEREFORE, Creditor, CATHY EDELMAN., requests that this Honorable Court deny the motion to avoid judicial lien.

RAY STRAUSS, P.A.
Attorney for CATHY EDELMAN
17280 N.E. 19th Avenue
North Miami Beach, FL 33162
(305) 940-7711 (305) 948-4800
raystrauss@bellsouth.net

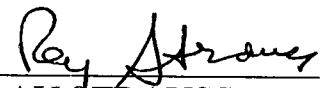
By: 
RAY STRAUSS FBN:98098

CERTIFICATE OF MAILING

Jordan Bublick, Esq.
Jbublick11@gmail.com

Nancy Neidich, Trustee
PO Box 279806
Miramar, FL 33027
E2c8f01@ch13herkert.com

OFFICE OF THE US TRUSTEE
51 SW 1 Avenue, #1204
Miami, FL 33130
USTPRegion21.MM.ECF@usdoj.gov


RAY STRAUSS FBN: 98098

Miami-Dade County, Florida

2017 Real Estate Property Taxes**Notice of Ad Valorem Tax and Non-Ad Valorem Assessments****SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

FOLIO NUMBER	MUNICIPALITY	MILL CODE
30-2113-001-0710	UNINCORPORATED DADE COUNTY	3000

MARTHACIA EXILUS JOSEPH
275 NW 157 ST
MIAMI, FL 33169

Property Address
275 NW 157 ST

Exemptions:

AD VALOREM TAXES				
TAXING AUTHORITY	ASSESSED VALUE	MILLAGE RATE PER	\$1,000 OF TAXABLE VALUE	TAXES LEVIED
Miami-Dade School Board	248,753	6.77400	248,753	1,685.06
School Board Operating	248,753	0.22000	248,753	54.73
School Board Debt Service				
State and Other				
Florida Inland Navigation Dist	190,175	0.03200	190,175	6.09
South Florida Water Mgmt Dist	190,175	0.12750	190,175	24.25
Okeechobee Basin	190,175	0.13840	190,175	26.32
Everglades Construction Proj	190,175	0.04410	190,175	8.39
Childrens Trust Authority	190,175	0.46730	190,175	88.87
Miami-Dade County				
County Wide Operating	190,175	4.66690	190,175	887.53
County Wide Debt Service	190,175	0.40000	190,175	76.07
Unincorporated Operating	190,175	1.92830	190,175	366.71
Library District	190,175	0.28400	190,175	54.01
Fire Rescue Operating	190,175	2.42070	190,175	460.36
Fire Rescue Debt Service	190,175	0.00750	190,175	1.43
NON-AD VALOREM ASSESSMENTS				
LEVYING AUTHORITY	RATE	FOOTAGE/UNITS	AMOUNT	
T0004 GARB,TRASH,TRC,RECYCLE	@ 464.0000	1.000	464.00	

Save Time. Pay Online. www.miamidade.govCombined taxes and assessments **\$4,203.82**

+ RETAIN FOR YOUR RECORDS +

2017 Real Estate Property Taxes**DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT**

Duplicate public user 01/08/2018

FOLIO NUMBER

30-2113-001-0710

PROPERTY ADDRESS

275 NW 157 ST

LEGAL DESCRIPTION

BISCAYNE GARDENS SEC B PB 40-49
LOT 471
LOT SIZE 131.860 X 305
OR 18409-3897 1098 1
COC 23

MARTHACIA EXILUS JOSEPH
275 NW 157 ST
MIAMI, FL 33169



Make checks payable to:

Miami-Dade Tax Collector

(in U.S. funds drawn on U.S. banks)

Amount due May be Subject to Change Without Notice

Mail payments to:

200 NW 2nd Avenue, Miami, FL 33128

PAY ONLY ONE AMOUNT

If Paid By Please Pay

Jan 31, 2018 **\$4,119.74**Feb 28, 2018 **\$4,161.78**Mar 31, 2018 **\$4,203.82**

100000000000000000000003021130010710201700000420382000000000009

Exhibit A

CFN 2012R0886482
OR Bk 28393 Pg 04931 (1pg)
RECORDED 12/11/2012 08:23:14
DEED DOC TAX 960.00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA
LAST PAGE

General Warranty Deed

Made this November 9, 2012 A.D. By **Mervyn D. Noel and Linda Joseph Noel, husband and wife**, whose post office address is: 1212 NE 117th Street, Miami, FL 33161, hereinafter called the grantor, to **Joseph Macellon**, a married man whose post office address is: 430 NE 59th Street, Miami, FL 33137, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Miami-Dade County, Florida, viz:

Lot 471, of BISCAYNE GARDENS SECTION B, according to the Plat thereof, as recorded in Plat Book 40, at Page 49, of the Public Records of MIAMI-DADE County, Florida.

Parcel ID Number: 30-2113-001-0710

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2011.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name LISA A. Douglass

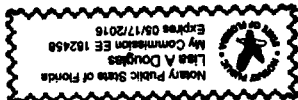

 _____ (Seal)
Mary D. Noel
 Address: 1212 NE 117th Street, Miami, FL 33161

Witness Printed Name Chalice M. S. Sorensen

 (Seal)
Linda Joseph Noel
Address: 1303 NE 163rd Street, North Miami Beach, FL 33162

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 9th day of November, 2012, by Mercy D. Noel and Linda Joseph Noel, husband and wife, who is/are personally known to me or who has produced driver license as identification.



Notary Public
Print Name: LISA R. DOLG LAS
My Commission Expires: 05/17/2016

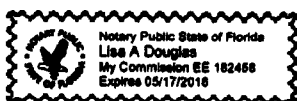


Exhibit 'B'



CFN 2013R0316553

DR Bk 28594 Ps 34677 (189)

RECORDED 04/23/2013 09:22:15

DEED DOC TAX 0.60

HARVEY RUVIN, CLERK OF COURT

MIAMI-DADE COUNTY, FLORIDA

LAST PAGE

This Instrument Prepared By:

JEAN CLARKE

34 NE 54th STREET

MIAMI FLORIDA 33137

Return to:

MARTHACIA EXILUS

450 NE 59th STREET

MIAMI FLORIDA 33137

PARCEL ID# _____

WARRANTY DEED

THIS INDENTURE, made this 19 day of APRIL, 2013, by and between MACELLON JOSEPH whose address is 450 NE 59th STREET MIAMI FLORIDA 33137, GRANTOR, party of the first part, and MARTHACIA EXILUS JOSEPH XXXXXXXX whose address is: 450 NE 59th STREET MARTHACIA EXILUS JOSEPH, GRANTEE, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations in hand paid, by the party of the second part, receipt of which is hereby acknowledged, hereby has granted, bargained and sold to the said party of the second part, their heirs and assigns forever, the following described land situate, lying and being in the County of MIAMI DADE County, Florida:

275 NW 157th STREET MIAMI FLORIDA 33169

-LOT 471, BISCAYNE GARDENS SECTION B, BOOK 40, PAGE 49, MIAMI DADE CNTY FLORIDA.

SUBJECT TO:

1. Taxes for the year 2014 and all taxes and assessments assessed subsequent to the date hereof;
2. Zoning, restrictions, prohibitions and other requirements imposed by governmental authority, and easements of record.

And the said party of the first part does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has signed and sealed these presents the day and year first above written.

Witnesses:

[Signature]
Signature
JEAN CLARKE

Printed Name

Signature

Printed Name

GISELLE CORVOISIER

GRANTOR:



JEAN CLARKE
MY COMMISSION # EE 083158
EXPIRES: April 12, 2015
Bonded Thru Budget Notary Services

MACELLON JOSEPH



JEAN CLARKE
MY COMMISSION # EE 083158
EXPIRES: April 12, 2015
Bonded Thru Budget Notary Services

Exhibit 'C'



CFN 2017R0292285
OR BK 30545 Pgs 3033-3034 (2Pgs)
RECORDED 05/24/2017 09:18:33
DEED DOC TAX \$0.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

NOTARY PUBLIC
JEAN CLARKE
MY COMMISSION # FF 183267
EXPIRES: April 12, 2019
Bonded Thru Budget Notary Services

LF298-04
R298-04

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 17th day of MAY 2017, 20 17,
by first party, Grantor, MACELLON JOSEPH
whose post office address is 275 NW 157 STREET, MIAMI FL 33169
to second party, Grantee, MARTHA JOSEPH HIS WIFE (DECEASED) AND LINDA JOSEPH
whose post office address is 275 NW 157 STREET MIAMI FL 33169 (DAUG-
LOT 471, BISCAYNE GARDENS SECTION B, BOOK 40, PAGE 49,
MIAMI DADE COUNTY, FLORIDA.

WITNESSETH, That the said first party, for good consideration and for the sum of
TEN DOLLARS XXXXXXXXXXXXXXXXXXXXXXXXXX \$10 Dollars (\$ 10.00)
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 DADE, State of FLORIDA to wit:

ATTN: MARTHA JOSEPH NAME OUT DUE TO DEATH AND LINDA JOSEPH
IS MY NEW BENEFICIARY.

Exhibit 'D'

OR BK 30545 PG 3034
LAST PAGE

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:

X JACQUELINE NOEL
Signature of Witness

JACQUELINE NOEL
Print name of Witness

JACQUELINE JOSEPH
Signature of Witness

JEAN CLARKE
Print name of Witness

State of FLA

County of DADE }

On MAY 17, 2017 before me, JEAN CLARKE NOTARY PUBLIC IN FLA ,
appeared MACELLON JOSEPH AND LINDA JOSEPH.
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

X [Signature]
Signature of First Party

MACELLON JOSEPH
Print name of First Party

MACELLON JOSEPH
Signature of First Party

X MACELLON JOSEPH
Print name of First Party

[Signature]

Affiant Known X Produced ID
Type of ID FL DL M24548040133-0
(Seal)

State of FLA
County of DADE }

On MAY 17, 2017 before me, JEAN CLARKE NOTARY PUBLIC IN FLA ,
appeared MACELLON JOSEPH AND LINDA JOSEPH
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

Affiant Known X Produced ID
Type of ID FL DL
(Seal)



[Signature]
Signature of Preparer
JEAN CLARKE
Print Name of Preparer
54 ne 54 STREET MIAMI FL 33137
Address of Preparer
PH (305) 807-4338