

APPENDIX

APPENDIX

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APPENDIX A

**IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA SECOND DISTRICT, POST
OFFICE 327, LAKELAND, FL 33802-0327**

February 12, 2018

**CASE NO.: 2D17-0916
L.T. No.: 2014-CA-3569**

LEONARDO SOCCOLICH, ET AL.

Appellant/Petitioner(s)

v.

**WILMINGTON SAVINGS FUND SOCIETY,
FSB, AS TRUSTEE**

Appellee/Respondent(s)

BY ORDER OF THE COURT:

Appellants' motion for rehearing,
rehearing en banc, certification and request for
written opinion is denied.

I HEREBY CERTIFY that the foregoing is
a true copy of the original court order.

Served:

Brandon S. Vesely, Esq.
Edward B. Pritchard, Esq.
Jennifer Scott, Esq.
Mila Soccolich
Stephen W. Thompson, Esq.
Andrew S. Kanter, Esq.
James J. Armstrong, Esq.
Angelina M. Colonneso, Clerk
Helen Skala, Esq.
George J. Dramis, Esq.
Leonardo Soccolich

mep

/s/ _____
Mary Elizabeth Kuenzel [seal]
Clerk

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APPENDIX B

NOT FINAL UNTIL TIME EXPIRES TO FILE
REHEARING MOTION AND, IF FILED,
DETERMINED

IN THE DISTRICT COURT
OF APPEAL OF FLORIDA
SECOND DISTRICT

LEONARDO SOCCOLICH and
MILA PAPIC-SOCCOLICH

Appellant

Case No. 2D17-916

v.

WILMINGTON SAVINGS FUND)
SOCIETY, FSB, d/b/a CHRISTIANA)
TRUST, not in its individual)
capacity but solely as Trustee)
for Brougham Fund I Trust,)
UNKNOWN SPOUSE OF)
LEONARDO SOCCOLICH,)
UNKNOWN SPOUSE OF)
MILA PAPIC-SOCCOLICH,)
IF LIVING, INCLUDING)
ANY UNKNOWN SPOUSE OF)
SAID DEFENDANT(S), IF)
REMARRIED, AND IF)
DECEASED, THE RESPECTIVE)
UNKNOWN HEIRS, DEVISEES,)
GRANTEEES, ASSIGNEES,)
CREDITORS, LIENORS, AND)
TRUSTEES, AND ALL OTHER)
PERSONS CLAIMING BY, AND)

THROUGH, UNDER OR AGAINST)
THE NAMED DEFENDANT(S);)
GREENBROOK VILLAGE)
ASSOCIATION, INC.; WHETHER)
DISSOLVED OR PRESENTLY)
EXISTING, TOGETHER WITH)
ANY GRANTEES, ASSIGNEES,)
CREDITORS, LIENORS, OR)
TRUSTEES OF SAID DEFENDANT(S))
AND ALL OTHER PERSONS)
CLAIMING BY, THROUGH, UNDER,)
OR AGAINST DEFENDANT(S):)
UNKNOWN TENANT #1, n/k/a)
M. SUMNER, UNKNOWN TENANT #2)

Appellees

Opinion filed December 15, 2017.

Appeal from the Circuit Court for Manatee
County; Brian A. Iten, Judge.

James J. Armstrong of James J. Armstrong, P.A.,
Melbourne, for Appellants

Brandon S. Vesely of Albertelli Law, Tampa, for
Appellee Wilmington Savings Fund Society, FSB,
d/b/a Christiana Trust, not in its individual
capacity but solely as Trustee for Brougham
Fund I Trust.

No appearance for remaining Appellees.

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PER CURIAM

Affirmed.

KHOZAM, SLEET, and LUCAS, JJ., Concur.

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APPENDIX C

**IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MANATEE COUNTY
CIVIL DIVISION**

CASE NO. 41-2014-CA-003569-XXXX-AX

**WILMINGTON SAVINGS FUND SOCIETY, FSB,
NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR THE
PRIMESTAR-H FUND I TRUST,
Plaintiff**

vs.

**LEONARDO SOCCOLICH, et al.
Defendants**

**UNIFORM FINL JUDGMENT OF MORTGAGE
FORECLOSURE**

This form substantially complies with Form 1.996, adopted by the Florida Supreme Court February 11, 2010, SC09-1579: and revised by the Florida Supreme Court December 9, 2010, SC09-1579: form published in 12th Circuit on 4-5-10 and revised on 1/4/2011.

THIS action was tried before the Court. On the evidence presented

IT IS ORDERED AND ADJUDGED that:

1. Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, d/b/a CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR BROUGHAM FUND I TRUST, P.O. Box 447, Odessa, FL, 33556 is due:

Unpaid Principal balance due on the note secured by the mortgage foreclosed:

\$537,600.00

Interest on the note and mortgage from
January 1, 2009 to March 1, 2017: \$237, 944.00
Late Charges: \$11, 821.60
Property Taxes: \$43, 779.64
Insurance Premiums: \$55, 714.96
Property Inspections: \$425.65
BPO's: \$30.00
Homeowner's Association Fees: \$185.27

SUBTOTAL: \$887,501.12

Attorneys Fees: \$3,550.00

GRAND TOTAL DUE TO
PLAINTIFF: \$891, 051.12
that shall bear interest from this date forward at
the prevailing legal interest rate of 4.97%.

2. Plaintiff hold the Lien for the total sum superior to all claims or estates of defendant(s), on the following described property in MANATEE County, Florida:

**LOT 92, GREENBROOK VILLAGE SUBPHASE
LL UNIT 4 A/K/A GREENBROOK PRESERVE, A
SUBDIVISION ACCORDING TO THE PLAT
THEREOF RECORDED IN PLAT BOOK 47,
PAGES 70 AND 75, OF THE PUBLIC RECORDS
OF MANATEE COUNTY, FLORIDA**

**Property Address: 6711 QUILLBACK LANE,
BRADENTON, FL 34202**

3. If the total amount with interest at the rate described in Paragraph 1 and all costs accrued subsequent to the Judgment are not paid, the Clerk of the Court shall sell the subject property at public sale as set forth below to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes, using the following method:

Sales Information-Manatee County
Date (Clerk Inserts)-March 14, 2017
Time-11:00 AM
Location-Foreclosure Sales Conducted via
Internet: www.manatee.realforeclose.com

4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for sale, provided however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the Certificate of Title. If Plaintiff is the purchaser, the clerk shall credit

plaintiffs bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

5. On filing the Certificate of Title the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorneys' fees; fourth, the sum total due to the Plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. On filing of the Certificate of Sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under Chapter 718 or Chapter 720, Florida Statutes, if any. Upon the filing of the Certificate of Title, the person named in the Certificate of Title shall be let into possession of the property.

NOTICE: Issuance of a Writ of Possession does not exempt Plaintiff from complying with federal law requiring notice to tenants residing on foreclosed property. To insure compliance with federal law, Plaintiff should consult with counsel before serving the Writ of Possession.

7. The Court finds, based upon the affidavits is presented and upon inquiry of counsel for the Plaintiff, that the flat fee of \$3,550.00 is reasonable and appropriate for the Plaintiff's counsel's attorney's fees. The Court finds that there are no reasons for either reduction or enhancement pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985), and the Court therefore has awarded reasonable attorney's fees in the amount indicated in paragraph 1 of this Judgment.

8. The Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: orders related to pursuit and entry of deficiency judgment, if Defendant has not been discharged in bankruptcy, or it is not prohibited by federal law or mutual settlement agreement; orders granting additional attorney's fees and costs; writs of possession; orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to sections 718.116 or 720.3085 of the Florida Statutes; orders arising out of reforeclosure, to include permitting a supplemental complaint to add an interest-holder, and/or; orders involving reformation of the mortgage instrument or deed to perfect title.

9. Additions, Modifications, or Changes to Standard Form

Any additions, modifications, or changes to the provisions above may only be set forth in this paragraph.

- a.
- b.
- c.
- d.
- e.

NOTICE PURSUANT TO § 45.031, FLORIDA STATUTES (2006).

If this property is sold at public auction, there may be additional money from the sale after payment of persons who are entitled to be paid from the sale proceeds pursuant to this Final Judgment.

If you are subordinate lien holder claiming a right to funds remaining after the sale, you must file a claim with the Clerk no later than sixty(60) days after the sale. If you fail to file a claim, you will not be entitled to any remaining funds.

If the property being foreclosure on has qualified for the homestead tax exemption in the most recent approved tax roll, the following additional language applies:

If you are the property owner, you may claim these claims yourself. You are not required to have a lawyer or any other representation and you do not have to assign your rights to anyone else in order for you to claim any money to which you are entitled.

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Please check with the Clerk of Court for your county within ten (10) days after the sale to see if there is additional money from the foreclosure sale that the clerk has in the registry of the Court.

Sarasota County Clerk of Court
2000 Main Street
Sarasota, Fl. 34237
(941) 861-7400
www.sarasotaclerk.com

Manatee County Clerk of Court
1115 Manatee Ave. W.
Bradenton, FL. 34205
(941) 749-1800
www.manateeclerk.com

DeSoto County Clerk of Court
115 East Oak Street
Arcadia, FL. 34266
(863) 993-4876
www.desotoclerk.com

If you decide to sell your home or hire someone to help you claim the additional money, you should read very carefully all papers you are required to sign, ask someone else, preferably an attorney who is not related to the person offering help to you, to make sure that you understand what you signing and that you are not transferring your property or the equity in your property without the proper information. If you cannot afford to pay an attorney, you may contact the local legal services listed below to see if you qualify financially for their services. If

they cannot assist you, they may be able to refer you to a local bar referral agency or suggest other options. If you choose to contact one of the services listed below, you should do as soon as possible after receipt of this notice.

Sarasota County
Legal Aid of Manasota
Sarasota Office
1900 Main Street, Suite 302
Sarasota, FL 34236
(941) 366-0038

Venice Office
7810 South Tamiami Trial, Suite A6
Venice, FL 34293
(941) 366-1746

Manatee County
Legal Aid of Manasota
1101 6th Avenue West
Bradenton, FL 34205
(941) 747-1628
www.gulfcoastlegal.org

DeSoto County
Florida Rural Legal Services
3210 Cleveland Avenue, Suite A
Fort Myers, FL 33901
(800) 476-8937
www.frls.org

Gulfcoast Legal Services
1750 17th Street, Bldg. 1
Sarasota, FL 34236
(941) 366-1746
www.gulfcoastlegal.org

Gulfcoast Legal Services
430 12th Street West
Bradenton, FL 34205
(941) 746-6151
www.gulfcoastlegal.org

DONE AND ORDERED in Chambers in Manatee
County, Florida, this 7th day of February, 2017.

s/ _____
Judge Brian A. Iten
Circuit Judge, Twelfth Judicial Circuit

Copies furnished to:
Law Office of Andrew S. Kanter
P.O. Box 173378
Tampa, Florida 33672
Telephone: (813) 527-0768
E-Serve: akanter@akanterlaw.com

Leonardo Soccilich
539 River Road
Teaneck, NJ 07666
E-Serve: milapapic@mac.com
E-Serve 2: milapapic@yahoo.com

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Mila Papic-Soccolich
539 River Road
Teaneck, NJ 07666
E-Serve: milapapic@mac.com
E-Serve 2: milapapic@yahoo.com

Greenbrook Village Association, Inc.
c/o Stephen W. Thompson
1401 8th Avenue W.
Bradenton, FL 34205
E-Serve: sthompson@najmythompson.com

Unknown Tenant #1 n/k/a M. Sumner n/k/a
Mary Sumner
c/o George J. Dramis, Esq.
Band, Gates & Dramis, P.L
1 South School Avenue, Suite 501
Sarasota, FL 34237
E-Serve: gdramis@bandgates.com
E-Serve 2: pmorrel@bandgates.com

16a
APPENDIX D

BK 2462 PG 7887 Dkt#3128578 (1 of 2)

IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT IN AND FOR MANATEE
COUNTY, FLORIDA

SUNTRUST MORTGAGE, INC.,
Plaintiff

CASE NO. 2009 CA 007908
vs. DIVISION: D

LEONARDO SOCCOLICH, et al.,
Defendants

ORDER GRANTING DEFENDANT'S MOTION
FOR DISMISSAL

THIS CAUSE came before the Court upon the Defendant's above styled motion. The Court has reviewed the motion, the court file, and being otherwise duly advised in the premises, finds as follows:

1. Defendants Leonardo Soccollich and Mila Papic-Soccollich filed a Motion to Dismiss on August 5, 2010 and a hearing was scheduled for September 27, 2010.
2. At the hearing, the Court granted the motion, and on October 4, 2010, entered an Order on Defendants Leonardo Soccollich and Mila Papic-Soccollich Motion to Dismiss giving Plaintiff 45 days to file an Amended Complaint.

3. Plaintiff has failed to file an Amended Complaint.

It is therefore

ORDERED AND ADJUDGED that the Defendant's Motion for Dismissal is hereby **GRANTED** and the hearing previously scheduled for March 7, 2013 at 2:00 P.M. is **CANCELED**.

DONE AND ORDERED in Chambers at Bradenton, Manatee County, Florida this 8 day of March, 2013.

s/ _____
Thomas M. Gallen, Senior Circuit Judge

Copies to:
Attached Service List

**BK 2462 PG 7888 Filed and Recorded 3/15/13
2:19:32 PM R.B. "CHIPS" SHORE Clerk of
Circuit Court Manatee County, FL. (2 of 2)**

SERVICE LIST: 2009 CA 007908

Megan L. Lazenby, Esquire
Law Offices of Daniel C. Consuegra, P.L.
9204 King Palm Drive
Tampa, Florida 33619

Leonardo Soccolich
539 River Rd
Teaneck, New Jersey 07666

Mila Soccolich
539 River Rd
Teaneck, New Jersey 07666

Greenbrook Village Association Inc.
6320 Venture Drive #104
Bradenton, Florida 34202

Unknown Tenant(s)
6711 Quillback Lane
Bradenton, Florida 34202

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APPENDIX E

**BK 2284 PG 3712 Dkt#2661471
R.B. "CHIPS" SHORE Clerk of Circuit Court of
Manatee County, FL
Filed & Recorded 1/7/09 1:48:28 PM (1 of 1)**

When Recorded Return To:
**SUNTRUST MORTGAGE, INC.
C/O NTC 2100 Alt. 19 North
Palm Harbor, FL 34683**

Loan #: 0034924464

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION,
the sufficiency of which is hereby acknowledged,
the undersigned, **SUNTRUST MORTGAGE, INC.,**
WHOSE ADDRESS IS 1001 SEMMES AVE.,
RICHMOND, VA 23224, (ASSIGNOR), by these
presents does convey, grant, sell, assign,
transfer, and set over the described mortgage
together with the certain note(s) described
therein together with all interest secured
thereby, all liens, and any rights due or to
become due thereon to **MORTGAGE**
ELECTRONIC REGISTRATION SYSTEMS, INC.,
WHOSE ADDRESS IS 1595 SPRING HILL RD,
STE 310, VIENNA, VA 22182, ITS SUCCESSORS
OR ASSIGNS, (ASSIGNEE). Said Mortgage was
made by **LEONARDO SOCCOLICH AND MILA**
PAPIC-SOCCOLICH and was recorded in Official
Records of the Clerk of the Circuit Court of
MANATEE County, Florida, in Book 02113, Page

20a

7096 or Instr # upon the property situated in
said State and County as more fully described in
said mortgage.

Dated: 12/17/2008
SUNTRUST MORTGAGE, INC.

By: /s/
CHRIS JONES VICE PRESIDENT
Whose address is:
1001 SEMMES AVE, RICHMOND, VA 23224

Witnesses:

/s/ /s/
VILMA CASTRO DHURATA DOKO

STATE OF FLORIDA
COUNTY OF PINELLAS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgement appeared CHRIS JONES, personally known to me to be the VICE PRESIDENT of SUNTRUST MORTGAGE, INC., a corporation, and that she/he acknowledged executing the same freely and voluntarily under authority duly vested in him/her by said corporation. WITNESS my hand and official seal in the County and State last aforesaid THIS 17TH DAY OF DECEMBER IN THE YEAR 2008

/s/
BRYAN J. BLY Notary Public

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My commission expires: 07/01/2011

Notary Seal:
Bryan J. Bly
Notary Public, State of Florida
Commission #DD 691055
Expires July 01, 2011
Bonded through National Notary Assn.

Document Prepared By:
**Jessica Fretwell/NTC, 2100 Alt. 19 North, Palm
Harbor, FL 34683 (800) 346-8152**

SMIMA 9361538 C12000713 MIN
1000104003492446648 MERS PHONE 1-888-
679-MERS form 5/FRMFL1 9361538

22a
APPENDIX F

**IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MANATEE COUNTY
CIVIL DIVISION**

SUNTRUST MORTGAGE, INC.

Plaintiff

vs. CASE NO. 2009 CA 007908

LEONARDO SOCCOLICH et al.

Defendants

DEFENDANTS' MOTION FOR DISMISSAL

Defendants move for dismissal with prejudice pursuant to Fla. R. Civ. P. Rule 1.420(b) and (e) because it appears on the face of the record of this action that:

1. The Plaintiff failed to timely amend its complaint as required by the order of this court dated October 4, 2010.
2. The Plaintiff failed to timely prosecute this case and no filing of a pleading, order of the court, or other substantive activity has occurred within the one year period proceeding this motion.

The undersigned certifies that a copy hereof has been furnished to: *Megan L. Lazenby, Law Offices of Daniel C. Consuegra, 9204 King Palm Dr., Tamp, FL 33619 by mail on February 15, 2013.*

/s/ _____
Mila Soccolich, Pro Se
539 River Rd
Teaneck, NJ 07666
201-836-1990

24a
APPENDIX G

IN THE CIRCUIT COURT OF THE 12TH
JUDICIAL CIRCUIT, IN AND FOR MANATEE
COUNTY, FLORIDA CIVIL DIVISION

SUNTRUST MORTGAGE, INC.
Plaintiff

vs. CASE NO. 41 2009 CA 007908

LEONARDO SOCCOLICH, et al.
Defendants

**ORDER ON DEFENDANTS LEONARDO
SOCCOLICH AND MILA PAPIC-SOCCOLICH
MOTION TO DISMISS**

THIS CAUSE, having come before the Court upon the Motion to Dismiss, filed by Defendants, LEONARDO SOCCOLICH and MILA PAPIC-SOCCOLICH and the Court being fully advised the parties agree to entry of this Order, it is thereupon

ORDERED

1. That the Motion to Dismiss by Defendant(s) LEONARDO SOCCOLICH and MILA PAPIC-SOCCOLICH is HEREBY **GRANTED**.
2. Plaintiff shall Amend the Complaint within 45 days from the entry of this Order.

DONE AND ORDERED in Chambers at
Bradenton, Manatee County, Florida, this 4th day
of October, 2010.

/s/_____
Circuit Judge

Copies to:
Marshall C. Watson, P.A.

LEONARDO SOCCOLICH
539 RIVER ROAD
TEANECK, NJ 07666

MILA PAPIC-SOCCOLICH
539 RIVER ROAD
TEANECK, NJ 07666

GREENBROOK VILLAGE ASSOCIATION, INC.
6320 VENTURE DR #104
BRADENTON, FL 34202

UNKNOWN TENANT(S)
6711 QUILLBACK LANE
BRADENTON, FL 34202

09-35156

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APPENDIX H

**IN THE CIRCUIT COURT OF THE TWELFTH
JUDICIAL CIRCUIT IN AND MANATEE
COUNTY, FLORIDA**

SUNTRUST MORTGAGE, INC.

Plaintiff

vs. **2009CA007908**

**LEONARDO SOCCOLICH
MILA PAPIC-SOCCOLICH, et al.**

Defendants

MOTION TO DISMISS

Comes now the Defendants, Leonardo Soccolich and Mila Papic-Soccolich (hereinafter ("Defendants"), and file this Motion to Dismiss Plaintiff's Complaint and in support thereof, state as follows:

1. Plaintiff has failed to comply with Florida Civil Procedure Rule 1.110(b) by failing to file a verified action for foreclosure on residential real property.
2. The Note and Mortgage attached to the Plaintiff's Complaint were executed in favor of Mortgage Electronic Registration Systems Inc., and evidence that the Plaintiff does not have standing to seek foreclosure.

3. When considering a Motion to Dismiss, a trial court is required to consider any exhibit attached to, or incorporated in, the pleadings. When an exhibit to a complaint, on its face, negates the allegations of the complaint itself, dismissal is warranted. *Franz Tractor Co. v. J.J. Case Co.*, 566 So. 2nd 524 (Fla. 2d DCA 1990) and *Bott v. City of Marathon*, 949 So. 2d (Fla. 3d DCA 2007).

WHEREFORE, Defendants respectfully request that this Court enter an Order dismissing Plaintiff's Complaint.

CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the foregoing was furnished via first class mail to: Rebecca Nilsen, Esq., Law Offices of Marshall C. Watson, P.A. 1800 N. W. 49th Street, Suite 120, Fort Lauderdale, FL 33309 on this 5th day of August, 2010.

Under penalties of perjury, we declare that we have read the foregoing certification and the facts stated in it are true.

/s/ _____
Leonardo Soccollieh, Pro Se

/s/ _____
Mila Papic-Soccollieh, Pro Se
539 River Rd
Teaneck, NJ 07666
Telephone: 201-926-3434