

Appendix A

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2023-1127
LT Case No. 2021-CA-000310

DANIELLE HILAIRE and TROY
RAMBARANSINGH,

Appellants,

v.

BANK OF AMERICA NATIONAL
ASSOCIATION, Individually and
as Successor by Merger to
LASALLE BANK, NATIONAL
ASSOCIATION as Indenture
Trustee, on Behalf of THE
HOLDERS OF THE ACCREDITED
MORTGAGE LOAN TRUST 2005-3
ASSET BACKED NOTES, U.S.
BANK, NATIONAL ASSOCIATION,
ACCREDITED HOME LENDERS,
INC., SELECT PORTFOLIO
SERVICING, INC., RONALD R.
WOLFE and ASSOCIATES, PL,
MARINOSCI LAW GROUP, and
GREENSPOON MARDER, P.A.,

Appellees.

On appeal from the Circuit Court for Seminole County.
Michael J. Rudisill, Judge.

Danielle Hilaire, and Troy Rambaransingh, Windermere, pro se.

Alan M. Pierce, of Liebler, Gonzalez & Portuondo, Miami, for Appellee, Bank of America, National Association.

Anthony R. Yanez, and Nicola A. Gelormino, and Michael C. Foster, of Wargo, French & Singer LLP, Miami, for Appellees, Select Portfolio Servicing, Inc., and U.S. Bank National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Indenture Trustee for the holders of the Accredited Mortgage Loan Trust 2005-3 Asset Backed Notes.

John Pelzer, of Greenspoon Marder LLP, Fort Lauderdale, for Appellee, Greenspoon Marder, P.A.

No Appearance for Remaining Appellees.

August 6, 2024

PER CURIAM.

AFFIRMED.

MAKAR, WALLIS and HARRIS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Appendix B

Filing # 158263134 E-Filed 09/28/2022 10:50:07 AM

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

CASE NO.: 2021-CA-000310

DANIELLE HILAIRE AND
TROY RAMBARANSINGH,

Plaintiffs,

vs.

BANK OF AMERICA NATIONAL ASSOCIATION,
Individually, and AS SUCCESSOR BY MERGER TO
LASALLE BANK NATIONAL ASSOCIATION AS
INDENTURE TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ACCREDITED MORTGAGE
LOAN TRUST 2005-3 ASSET BACKED NOTES,
et al.,

Defendants.

FINAL SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS
SELECT PORTFOLIO SERVICING, INC., U.S. BANK NATIONAL
ASSOCIATION AS TRUSTEE, BANK OF AMERICA, N.A.,
MARINOSCI LAW GROUP, P.C., AND GREENSPOON MARDER LLP

THIS CAUSE came before the Court on “Defendants Select Portfolio Servicing, Inc. and U.S. Bank as Trustee’s Motion for Final Summary Judgment and Incorporated Memorandum of Law” filed on May 16, 2022, “Bank of America N.A.’s Notice of Joinder to Motion for Summary Judgment Filed by Co-Defendant Select Portfolio Servicing, Inc. and Supplemental Motion for Summary Judgment” filed on July 6, 2022, and “Defendants Marinosci Law Group, P.C. and Greenspoon Marder LLP’s Motion for Final Summary Judgment and Incorporated Memorandum of Law” filed on July 11, 2022. Having reviewed the Motions, Plaintiffs’ response, Defendants’ reply, and the court file, having heard the arguments of counsel at the

August 4, 2022 and September 27, 2022 hearings, and being otherwise fully advised, the Court finds as follows:

On February 3, 2021, Plaintiffs filed a Verified Complaint alleging violation of the Florida Criminal Practices Act (Count I), violation of the Florida RICO Act (Count II), and fraud upon the court (Count III). Plaintiffs allege that on September 18, 2009, Bank of America, N.A., filed a foreclosure lawsuit against them (case number 2009-CA-007907). The note that was attached to the foreclosure complaint, payable to Accredited Home Lenders, Inc., did not have an allonge. On April 20, 2015, at trial, U.S. Bank (successor-in-interest to Bank of America, N.A.) relied on an undated allonge, which transferred a property interest from Accredited Home Lenders, Inc., to Bank of America, N.A., as a basis for its possessory rights. The allonge was "purportedly signed" by Patricia A. Shelton with Accredited Home Lenders, Inc. The trial court ruled in favor of Defendants and Plaintiffs' property was foreclosed upon. Five years after the trial, Plaintiffs spoke with Ms. Shelton who stated that she did not recall signing the allonge and the signature on the allonge did not appear to be hers. Plaintiffs allege that someone fraudulently forged Ms. Shelton's signature on the allonge, and Defendants manipulated the judicial system by fraudulently creating evidence to support their case.

Defendants seek final summary judgment arguing that the record evidence conclusively establishes that this action is barred by: (1) res judicata, (2) collateral estoppel, (3) Florida's compulsory counterclaim rule, (4) the applicable statute of limitations, and (5) Florida's litigation privilege. Defendants contend that Plaintiffs' claims in this action have been exhaustively litigated to Plaintiffs' detriment since 2009. First, in the foreclosure action (case number 2009-CA-007907), Plaintiffs alleged in their amended answer and affirmative defenses that the allonge was fraudulent. A final judgment of foreclosure was entered on May 18, 2015,

Plaintiffs appealed to the Fifth District Court of Appeal, and the judgment was affirmed. *Hilaire v. Bank of Am., Nat'l Ass'n*, 191 So. 3d 478 (Fla. 5th DCA 2016).

Second, on September 16, 2016, Plaintiffs filed a quiet title action against Defendants (case number 2016-CA-002291) alleging, in part, that the allonge executed by Ms. Shelton was invalid and unenforceable. The action was dismissed with prejudice, Plaintiffs appealed, and the order of dismissal was affirmed. *Rambaransingh v. U.S. Bank Nat'l Ass'n*, 238 So. 3d 800 (Fla. 5th DCA 2017).

Third, on April 20, 2020, Plaintiffs filed an action against Defendants in the United States District Court, Middle District of Florida (case number 6:20-cv-679-Orl-78LRH), alleging violation of the Federal RICO Act, intentional and negligent infliction of emotional distress, and unjust enrichment. Plaintiffs claimed, in part, that the transfer of the note was fraudulent in that the allonge to the mortgage note was forged. The action was dismissed on March 18, 2021, without leave to amend. The court found that the action was barred in its entirety even though Plaintiffs did not expressly raise the same claims in either the foreclosure action or quiet title action, because "it is clear that Plaintiffs' claims before this Court are inextricably intertwined with the claims that were fully and finally resolved in the state courts." The court explained that the allegations in the federal case related solely and exclusively to the validity of the mortgage documents that were submitted during the foreclosure proceedings and Defendants' conduct during those proceedings, and that those issues were fully and finally resolved in state court, with affirmances from the Fifth District Court of Appeal. The court held that if it were to find in Plaintiffs' favor, "it would necessarily invalidate the foreclosure and quiet title final judgments,"

and it was precluded from taking such action pursuant to the *Rooker-Feldman* doctrine;¹ thus, it was without subject matter jurisdiction over the case.

Defendants contend that this is Plaintiffs' fourth attempt to relitigate core issues between the parties that have already been adjudicated against Plaintiffs, and that Plaintiffs cannot prevail in this lawsuit without disturbing the prior court rulings against them. Thus, Defendants argue, there is no genuine issue of material fact that necessitates a trial in this matter.

The Court agrees with the arguments set forth by Defendants, and finds that the instant action is barred by res judicata and/or collateral estoppel because Plaintiffs seek to relitigate issues that were adjudicated in a prior lawsuit. The action is also barred by the statute of limitations as Plaintiffs alleged in their amended answer and affirmative defenses filed almost ten years ago, on November 1, 2012, that the allonge was fraudulent. Furthermore, Plaintiffs waived their claims because they were compulsory counterclaims - claims that arose out of the transaction or occurrence that was the subject matter of Defendants' claims against them - that Plaintiffs failed to raise in the foreclosure action.

Based upon the foregoing, the Court finds that the evidence is such that no reasonable jury could return a verdict for Plaintiffs. Defendants have shown that there is no genuine dispute as to any material fact and they are entitled to judgment as a matter of law pursuant to Florida Rule of Civil Procedure 1.510(a).

Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. "Defendants Select Portfolio Servicing, Inc. and U.S. Bank as Trustee's Motion for Final Summary Judgment," "Bank of America N.A.'s Notice of Joinder to Motion for Summary Judgment Filed by Co-Defendant Select Portfolio Servicing, Inc. and Supplemental Motion for Summary Judgment," and "Defendants Marinosci Law Group, P.C. and Greenspoon Marder LLP's Motion for Final Summary Judgment" are **GRANTED**. Defendants Select Portfolio

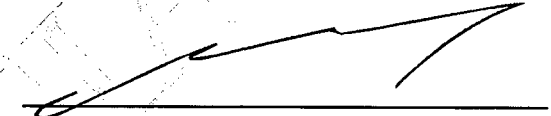
¹ See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983).

Servicing, Inc., U.S. Bank National Association, as Trustee, as Successor-in-Interest to Bank of America, N.A., as Trustee, as Successor by Merger to Lasalle Bank National Association, as Indenture Trustee for the Holders of the Accredited Mortgage Loan Trust 2005-3 Asset Backed Notes, Bank of America, N.A., Marinosci Law Group, P.C., and Greenspoon Marder LLP are hereby awarded final summary judgment in this action.

2. The Court reserves jurisdiction to determine Defendants' entitlement to and amount of attorneys' fees and costs, if any.

DONE AND ORDERED in Chambers at Sanford, Seminole County, Florida, on Tuesday, September 27, 2022.

59-2021-CA-000310 09/27/2022 11:19:10 PM



Michael Rudisill, Circuit Judge

59-2021-CA-000310 09/27/2022 11:19:10 PM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Order has been furnished by e-mail or U.S. Mail on Wednesday, September 28, 2022, to the following:

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A. Theobald.

Alyssa Theobald, Judicial Assistant

59-2021-CA-000310 09/28/2022 10:49:55 AM

Appendix C

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

Danielle Hilaire and
Troy Rambaransingh,

Case No.: 5D2023-1127
L.T. No.: 2021-CA-000310

Appellant(s),

v.

Bank of America National Association,
Individually and As Successor by Merger
to Lasalle Bank, National Association as
Indenture Trustee, On Behalf of The
Holders of The Accredited Mortgage
Loan Trust 2005-3 Asset Backed Notes,
U.S. Bank, National Association,
Accredited Home Lenders, Inc., Select
Portfolio Servicing, Inc., Ronald R. Wolfe
and Associates, PL, Marinosci Law
Group, and Greenspoon Marder, P.A.,

Appellee(s).

Date: September 19, 2024

BY ORDER OF THE COURT:

ORDERED that "Appellants' Motions for Rehearing, Rehearing En Banc, and Written Opinion," filed August 21, 2024, is denied as to rehearing and written opinion. It is also

ORDERED that inasmuch as no member of the panel or judge in regular active service on the Court eligible to participate in this case requested

that the Court be polled on rehearing en banc, the Motion is also denied as to rehearing en banc. See Fla. R. App. P. 9.331(d)(1).

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

582223-117 9/19/2024
Sandra B. Williams
SANDRA B. WILLIAMS, CLERK



Panel: Makar, Wallis and Harris
Judge Eisnaugle recused from en banc consideration

cc:

Andrew Arias
Donna Evertz
Nicola Gelormino
Patrick Joseph Hennessey
Danielle Hilaire
Edmund O. Loos, III
John H. Pelzer
Alan Michael Pierce
Troy Rambaransingh
Amelia Maria Ravelo
Ronald R. Wolfe & Associates, P.L.
James Walter

Appendix D

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

DANIELLE HILAIRE AND
TROY RAMBARANSINGH,

Appellants,

v.

Case No. 5D15-2188

BANK OF AMERICA, NATIONAL
ASSOCIATION, ETC., ET AL.,

Appellees.

Decision filed March 29, 2016

Appeal from the Circuit Court
for Seminole County,
Robert J. Pleus, Jr., Senior Judge.

Scott A. Smothers and Mark Ingram, of
Smothers Law Firm, P.A., Apopka, for
Appellant.

Sarah T. Weitz, of Weitz & Schwartz, P.A.,
Fort Lauderdale, for Appellee.

PER CURIAM.

AFFIRMED.

ORFINGER, BERGER and EDWARDS, JJ., concur.

Appendix E

IN THE CIRCUIT COURT FOR SEMINOLE COUNTY, FLORIDA
CIVIL DIVISION

BANK OF AMERICA, NATIONAL
ASSOCIATION, AS SUCCESSOR BY
MERGER TO LASALLE BANK
NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE, ON BEHALF
OF THE HOLDERS OF THE
ACCREDITED MORTGAGE LOAN
TRUST 2005-3 ASSET BACKED NOTES

FILED IN OFFICE
MARVINE MORSE
CLERK CIRCUIT COURT
15 MAY 18 AM 3:25
BY SEMINOLE CO. FLA.
D.C.

Plaintiff,

vs.

Case No. 2009-CA-007907-14-L

DANIELLE HILAIRE; TROY
RAMBARANSINGH; ANY AND ALL
UNKNOWN PARTIES CLAIMING BY,
THROUGH, UNDER, AND AGAINST THE
HEREIN NAMED INDIVIDUAL
DEFENDANT(S) WHO ARE NOT KNOWN TO
BE DEAD OR ALIVE, WHETHER SAID
UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES,
GRANTEES, OR OTHER CLAIMANTS;
SUNTRUST BANK; HEATHROW MASTER
ASSOCIATION, INC.; HEATHROW LAKES
MAINTENANCE ASSOCIATION, INC;
TENANTS #1, TENANT #2, TENANT #3; AND
TENANT #4 the names being fictitious to account
for parties in possession


Defendants.

ORDER ON IN REM FINAL JUDGMENT OF FORECLOSURE

The Defendant's "Position Post Trial" has been filed with "Supportive Case Law." A non jury trial was held on April 20, 2015. At the conclusion of the trial the parties were asked to submit a written memorandum with arguments as to why their clients should prevail. They were also asked to submit any case law they felt supported this position. After careful review of the memorandum, the

transcript of the trial, the documents submitted and cases cited, it is the judgment of the Court that the Plaintiff has met its burden of proof and is entitled to Final Judgement.

DONE AND ORDERED in the Chambers at Sanford, Florida this 18th day of May, 2015:


ROBERT J PLEUS
SENIOR CIRCUIT JUDGE

Copies furnished to:

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