

Filing # 142269092 E-Filed 01/19/2022 04:01:07 PM

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

CALIBER HOME LOANS, INC.,
Plaintiff,

CASE NO. 2019CA000554

312019CA000554XXXXXX

vs.

LLOYD MILLER A/K/A LLOYD R. MILLER;
UNKNOWN SPOUSE OF LLOYD MILLER
A/K/A LLOYD R. MILLER; BOARD OF
COUNTY COMMISSIONERS OF INDIAN
RIVER COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA;
ASSET ACCEPTANCE, LLC; 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,
Defendant(s).

/

FINAL JUDGMENT OF FORECLOSURE

This action was tried before the court on January 5, 2022 and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. Final Judgment. Plaintiff is entitled to entry of final judgment.

2. Value of Claim. At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes, plaintiff estimated the amount in controversy of the claim to be **\$83,832.07**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$ 113,240.17**, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the graduated filing fee scale in section 28.241(1)(a)2.d., Florida Statutes, controls. If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the plaintiff shall pay the additional fee at least five business days prior to the judicial sale. If any additional filing fee owed is

not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. Amounts Due. Plaintiff, CALIBER HOME LOANS, INC. is due:

Principal:	\$81,872.51
Interest on the note and mortgage from December 1, 2018 to January 5, 2022	\$11,532.80
Pro Rata MIP/PMI	\$50.44
Escrow Advance	\$7,822.93
Late Charges	\$68.13
Inspections	\$280.00
Title Charges	\$295.00
Attorneys' Fees	
Finding as to reasonable number of hours: 45.70	
Finding as to reasonable hourly rate: \$215.00	
Attorneys' Fee Total:	\$9,825.50
Court Costs	
Filing Fee:	\$1,085.36
Service of Process:	\$300.00
Lis Pendens:	\$9.00
Additional Costs	
Death Certificates:	\$58.50
Summons:	\$40.00
GRAND TOTAL	\$113,240.17

4. Interest. The total amount in Paragraph 3 shall bear interest from this date forward at the prevailing statutory rate of interest.

5. Lien on Property. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), (with the exception of any assessments that are superior pursuant to Section 718.116, or 720.3085, Florida Statutes) on the following described property in Indian River County, Florida:

LOT 5, BLOCK 1, DIXIE GARDENS – UNIT 4, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR INDIAN RIVER COUNTY, FLORIDA, RECORDED IN PLAT BOOK 6, PAGE 47; PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. ; Property Address: 534 4TH PL SW, VERO BEACH, FL 32962

6. Sale of Property. If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the court shall sell the property at public sale on **FEBRUARY 22, 2022**, to the highest bidder for cash, except as prescribed in Paragraph 7, by electronic sale at www.indian-river.realforeclose.com beginning at 10:00 AM a.m. in accordance with section 45.031, Florida Statutes. **The public sale shall not be postponed or canceled without a court order. All orders postponing or canceling the sale must be filed with the Clerk of court no later than 5:00 p.m. five (5) business days before the sale date. Counsel for plaintiff must be certain**

that all sale and Clerk fees are paid and that the original proof of publication is filed no less than five (5) business days before the sale date. Failure to timely file the original proof of publication of the notice of sale and pay the sale and Clerk fees will stop the sale. Additionally, the failure of plaintiff's counsel to pay the sale fee and properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff's counsel individually, and the law firm representing the plaintiff. Any electronic sale by the Clerk shall be in accordance with the written administrative policy for electronic sales published by the Clerk at the official website for the Clerk and posted in the public areas of the Clerk's offices.

7. Costs. 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, plaintiff shall file an affidavit within 5 business days and the Clerk shall credit plaintiff's bid with the total sum with post-judgment interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes.

8. Distribution of Proceeds. 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 plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending further order of this court.

9. Right of Redemption. On filing 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.

10. Right of Possession. Upon filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any defendant or tenant remains in possession of the property, an Order Granting the Motion for Writ of Possession shall be entered without further notice or hearing, subject to the purchaser's compliance with Section 83.561, Florida Statutes.

11. Jurisdiction Retained. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment **(if sought and if appropriate)**, writs of possession and such supplemental relief or judgments as may be appropriate, **including orders granting leave to file supplemental and/or amended pleadings to add additional parties, and orders resolving any disputes with respect to assessments and/or other amounts allegedly due associations.**

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 A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS

UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the following paragraphs shall apply:

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS 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. PLEASE CHECK WITH THE CLERK OF THE COURT, 2000 16TH AVENUE, CIVIL DEPARTMENT, ROOM 136, VERO BEACH, FL 32960 WITHIN 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.

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 ARE 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 CONTACT FLORIDA RURAL LEGAL SERVICES - FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 34948, (772) 466-4766 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 OPTION. IF YOU CHOOSE TO CONTACT FLORIDA RURAL LEGAL SERVICE - FORT PIERCE OFFICE, (772) 466-4776, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED ON _____ at Vero Beach, Florida

01/19/2022 15:58:22
2019 CA 000654

JANET C. CROOM CIRCUIT JUDGE
JANET C. CROOM, Circuit Judge

Copies furnished to:

ROBERTSON, ANSCHUTZ, SCHNEID, CRANE & PARTNERS, PLLC
ATTORNEYS FOR PLAINTIFF
6409 CONGRESS AVE., SUITE 100
BOCA RATON, FL 33487
PRIMARY EMAIL: FLMAIL@RASLG.COM

LLOYD MILLER A/K/A LLOYD R. MILLER

534 4TH PL SW
VERO BEACH, FL 32962
PRIMARY EMAIL: LLOYDMILLER@YAHOO.COM

UNKNOWN SPOUSE OF LLOYD MILLER A/K/A LLOYD R. MILLER
534 4TH PL SW
VERO BEACH, FL 32962

DEPUTY COUNTY ATTORNEY
WILLIAM K. DEBRAAL, ESQ
ATTORNEY FOR BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, A
POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
C/O DEPUTY COUNTY ATTORNEY
1801 27TH STREET
VERO BEACH , FL 32960
PRIMARY EMAIL: E-SERVICE@IRCGOV.COM
SECONDARY EMAIL: BDEBRAAL@IRCGOV.COM

ASSET ACCEPTANCE, LLC
8875 HIDDEN RIVER PARKWAY, SUITE 100
TAMPA, FL 33637

FORM 1.998 FINAL DISPOSITION FORM**I. CASE STYLE**

CALIBER HOME LOANS, INC.,
Plaintiff,

vs.

LLOYD MILLER A/K/A LLOYD R. MILLER; UNKNOWN
SPOUSE OF LLOYD MILLER A/K/A LLOYD R. MILLER;
BOARD OF COUNTY COMMISSIONERS OF INDIAN
RIVER COUNTY, A POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA; ASSET ACCEPTANCE, LLC, et al.
Defendant(s).

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN AND
FOR INDIAN RIVER COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO. 2019CA000554

Judge: Janet C. Croom

II. AMOUNT OF FINAL JUDGMENT

Please indicate the amount of the final judgment, rounded to the nearest dollar. \$117,340.17

III. MEANS OF FINAL DISPOSITION (Place an "x" in one box for major category and one subcategory, if applicable, only)

- ☐ Dismissed Before Hearing
 - ☐ Dismissed Pursuant to Settlement Before Hearing
 - ☐ Dismissed Pursuant to Mediated Settlement - Before Hearing
 - ☐ Other - Before Hearing
- ☐ Dismissed After Hearing
 - ☐ Dismissed Pursuant to Settlement - After Hearing
 - ☐ Dismissed Pursuant to Mediated Settlement - After Hearing
 - ☐ Other After Hearing - After Hearing
- ☐ Disposed by Default
- ☒ Disposed by Judge
- ☐ Disposed by Non-Jury Trial
- ☐ Other

DATE _____

SIGNATURE OF ATTORNEY FOR PREVAILING PARTY



IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR INDIAN
RIVER COUNTY, GENERAL JURISDICTION DIVISION
CASE NO. 2019CA000554

CALIBER HOME LOANS, INC.,
Plaintiff,

vs.

LLOYD MILLER A/K/A LLOYD R. MILLER, et al.
Defendant(s).

_____ /

CERTIFICATE OF SALE

The undersigned clerk of the court certifies that the notice of public sale of the property described in the order or final judgment was published in Florida Legals, a newspaper circulated in INDIAN RIVER, Florida, in the manner shown by the proof of publication attached, and on _____, 2021, the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property in the amount of \$ _____ was submitted by _____, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the order of final judgment or law.

WITNESS my hand and the seal of this court on _____, 2021.

Jeffrey R. Smith
As Clerk of the Court

By: _____
As Deputy Clerk

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR INDIAN RIVER
COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO. 2019CA000554

CALIBER HOME LOANS, INC.,
Plaintiff,

vs.

LLOYD MILLER A/K/A LLOYD R. MILLER, et al.
Defendant(s).

_____ /

CERTIFICATE OF DISBURSEMENT

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

<u>Name</u>	<u>Amount</u>
Clerk's Sale Fee	
Total disbursements	\$ _____
Surplus retained by Clerk, if any	\$ _____

IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.

WITNESS my hand and the seal of the Court this ____ day of _____, 2021.

Jeffrey R. Smith
As Clerk of the Court

By: _____
As Deputy Clerk

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR INDIAN RIVER
COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO. 2019CA000554

CALIBER HOME LOANS, INC.,
Plaintiff,

vs.

LLOYD MILLER A/K/A LLOYD R. MILLER;
UNKNOWN SPOUSE OF LLOYD MILLER A/K/A
LLOYD R. MILLER; BOARD OF COUNTY
COMMISSIONERS OF INDIAN RIVER COUNTY, A
POLITICAL SUBDIVISION OF THE STATE OF
FLORIDA; ASSET ACCEPTANCE, LLC; 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,
Defendant(s).

_____ /

CERTIFICATE OF TITLE

The undersigned Clerk of Court, certifies that he or she executed and filed a certificate of sale in this action
on _____, 2021, for the property described herein and that no objections to the sale have been
filed within the time allowed for filing objections. The following property is in Indian River County, Florida:

**LOT 5, BLOCK 1, DIXIE GARDENS – UNIT 4, ACCORDING TO THE PLAT THEREOF
ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR
INDIAN RIVER COUNTY, FLORIDA, RECORDED IN PLAT BOOK 6, PAGE 47;
PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

- a/k/a 534 4TH PL SW, VERO BEACH, FL 32962

was sold to

WITNESS my hand and the seal of the court this ____ day of _____, 2021

Jeffrey R. Smith
As Clerk of the Court

By: _____
As Deputy Clerk

Cover Sheet for Affidavit as to Reasonable Attorney's Fees***This must be attached to Affidavit for execution***

File No.:	19-307446 - AsB
Borrower:	MILLER, LLOYD MILLER, SONIA
Judgment Hearing Date:	1/5/2022
Diary Event Type:	Non-Jury Trial Contested

If no hearing in the diary why is this Affidavit needed: _____

Affidavit executed on _____

Attorney initials _____

Please return completed sheet to the COJ Manager

19-307446 - AsB



IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR INDIAN RIVER
COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO. 2019CA000554

CALIBER HOME LOANS, INC.,
Plaintiff,

vs.

LLOYD MILLER A/K/A LLOYD R. MILLER, et
al.

Defendant(s).

NOTICE OF FILING

Plaintiff, by and through its undersigned attorney hereby files:

- Affidavit as to Reasonable Attorneys Fees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties listed on the attached service list via Mail and/or E-mail in accordance with the corresponding addresses listed therein on this _____ day of _____, _____.

ROBERTSON, ANSCHUTZ, SCHNEID, CRANE &
PARTNERS, PLLC
Attorney for Plaintiff
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
Telephone: 561-241-6901
Facsimile: 561-997-6909
Service Email: flmail@raslg.com

By: _____
Antonio Campos, Esquire
Florida Bar No. 672467
Communication Email: acampos@raslg.com

SERVICE LIST

LLOYD MILLER A/K/A LLOYD R. MILLER
534 4TH PL SW
VERO BEACH, FL 32962
PRIMARY EMAIL: LLOYDMILLER@YAHOO.COM

UNKNOWN SPOUSE OF LLOYD MILLER A/K/A LLOYD R. MILLER
534 4TH PL SW
VERO BEACH, FL 32962

DEPUTY COUNTY ATTORNEY
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ASSET ACCEPTANCE, LLC
8875 HIDDEN RIVER PARKWAY, SUITE 100
TAMPA, FL 33637

IN THE CIRCUIT COURT OF THE NINETEENTH
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CASE NO. 2019CA000554

CALIBER HOME LOANS, INC.,
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LLOYD MILLER A/K/A LLOYD R. MILLER, et
al.
Defendant(s).

/

AFFIDAVIT AS TO REASONABLE ATTORNEYS FEES

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Nathan Schwartz, Esq., who being duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of Florida and I have practiced law in Florida since 1985. I am personally familiar with the fees usually awarded to plaintiffs in foreclosure suits of the kind and nature in which this affidavit is filed.

2. I have reviewed, or have had the opportunity to review, the file of counsel for Plaintiff in this action.

3. I am familiar with the amounts charged by attorneys for services rendered in such cases and \$215.00 per hour is a reasonable rate.

4. In my opinion, based on the circumstances of this case, a flat fee of \$4,100.00, and contested fees in the amount of \$9,825.25, for a total amount of \$13,925.25 to be billed by Plaintiff's Attorney's Law Firm is reasonable.

5. In arriving at my opinion I have evaluated the factors identified below in determining my opinion of a reasonable attorney's fee as stated above, pursuant to R. Regulating Fla.Bar 4-1.5(b) and under Florida Patients Compensation Fund v. Rowe 472 So.2nd 1145 (Fla. 1985).

- a. The time and labor required, the novelty, complexity and difficulty of the questions involved, and the skill requisite to perform the legal service properly.
- b. The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer.

- c. The fee, or rate of fee, customarily charged in this locality for legal services of a comparable or a similar nature.
- d. The significance of, or amount involved in, the subject matter of the representation, the responsibility involved in the representation, and the results obtained.
- e. The time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client.
- f. The nature and length of the professional relationship between said counsel and the client.
- g. The experience, reputation and ability of Plaintiff's attorney.
- h. The fact that the fee is fixed and not contingent.

6. I have no interest in the outcome of this litigation nor am I associated with or an employee of the Plaintiff or the Defendant, or of the attorneys of either.

FURTHER AFFIANT SAYETH NAUGHT.

Nathan Schwartz, Esquire

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of December 2021, by Nathan Schwartz who is personally known to me or has produced _____ as identification, and who did take an oath.

(Seal)

Signature of Notary Public
Print, Type/Stamp Name of Notary

01/19/2022 15:58:22
2019 CA 000554

eSigned by JANET CARNEY CROOM (NOT) 01/19/2022 15:58:22 hPEgyYD

Electronic Service List

Aaron W Binns <abinns@consumerlawattorneys.com>, <service@consumerlawattorneys.com>, <eprado@consumerlawattorneys.com>
JONATHAN IAN MEISELS <flmail@raslg.com>
William Kenan Debraal <bdebraal@ircgov.com>
young vincent kim <ykim@consumerlawattorneys.com>, <service@consumerlawattorneys.com>
Lloyd Miller <lloydmillr526@yahoo.com>
JONATHAN IAN MEISELS <Efile@rasflaw.com>