

Looking for 30 mins for an emergency motion Locke v Locke 05-2017-DR-54881

Kim Mayer <dmsatty.kim@gmail.com>

Fri 8/12/2022 10:57 AM

To: Vanessa Lau <vanessa.lau@flcourts18.org>

Cc: Michael Locke <mbl22885@msn.com>; Leslie Ferderigos <leslie@fightingfirm.com>; Kim Mayer <dmsatty.kim@gmail.com>

Good morning Vanessa, Attorney Smith is looking for 30 mins for an emergency motion that was filed yesterday (attaching copy Doc #454 filed 8-11-22).

The next opening is in late October which is too far out. Can you please see if Judge Reckseidler will hear it sooner?

Thanks, Kim

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Kim Mayer

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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA

Case No.: 05-2017-DR-054881

Division: FAMILY

In Re the Former Marriage of:

PAIGE LOCKE,
Petitioner,

and

MICHAEL BASS LOCKE,
Respondent.

SECOND RENEWED EMERGENCY MOTION FOR CONTEMPT AND
ENFORCEMENT TO COMPEL SALE OF REAL PROPERTY

Note: This motion is being filed on an emergency basis due to the scheduling on August 17, 2022, at 10 a.m. on the lender's motion for summary judgment in the foreclosure against real property owned by both Former Husband and Former Wife.

Emergency action is necessary to avoid the loss of property and equity at a foreclosure sale. Wife's marital equity is secured by an equalizing payment owed by Former Husband.

Request is hereby made for this matter to be heard on an emergency basis.

Petitioner/Former Wife, Paige Locke, by and through the undersigned attorney, files this Second Renewed Emergency Motion for Contempt and Enforcement to Compel Sale of Real Property and states as follows:

1. On June 13, 2022, the Court entered an Order Denying Contempt but Granting Enforcement compelling Respondent/Former Husband to cooperate in the sale of real property (*Docket #451*). Respondent has failed to do so.
2. The foreclosure case (Case No. 05-2021-CA-047073) is ongoing. In that case the General Magistrate entered a Report and Recommendation continuing the lender's motion for summary judgment to August 17, 2022 (*Docket #88*), which Report and Recommendation was approved by order dated July 5, 2022 (*Docket #92*).
3. A prior affidavit of indebtedness was filed showing an outstanding balance of \$299,946.52. An Amended Affidavit of Indebtedness was filed July 7, 2022, showing an increased balance (as of August 17, 2022) of \$307,285.54.
4. Respondent/Former Husband has been ordered to cooperate in the sale. He (apparently) agreed upon a realtor. After several attempts to schedule a meeting,

Respondent/Former Husband has refused to sign the listing agreement.

5. Respondent/Former Husband has provided his opinion that Petitioner/Former Wife is owed the sum of \$12,800 toward the equalizing payment obligation.

6. On information and belief, the Respondent/Former Husband plans to file bankruptcy and eliminate the obligation due to Petitioner/Former Wife.

7. Petitioner/Former Wife requests an order of this court which allows her to list the property for sale, arrange for the satisfaction of the mortgage and arrange for the payment of the remainder of her equalizing payment. Former Wife will then pay any remaining balance to the Former Husband. Former Wife requests this court award her a limited power of attorney to allow her to sell the property and negotiate a resolution with the mortgage lender due to Former Husband's contempt and absolute refusal to cooperate in this matter.

8. Due to Respondent/Former Husband's willful disregard of the Court's order, Petitioner/Former Wife has incurred additional attorney's fees, which, but for the wrongful actions of Respondent would be unnecessary.

WHEREFORE, Petitioner respectfully requests that this honorable Court:

- A. Find Respondent in willful contempt of court and grant enforcement.
- B. Enter an order allowing Former Wife to list the property with a licensed real estate agent of her choice and to accept a reasonable purchase offer for a fair price.
- C. Enter an order allowing Wife to receive the balance of her equalizing payment at closing if sufficient net proceeds exist to do so.
- D. Grant Former Wife a limited power of attorney allowing her to consummate the real estate transaction on behalf of the Former Husband.
- E. Grant Former Wife a limited power of attorney allowing her to negotiate with the mortgage lender, satisfy the debt at closing and secure a voluntary dismissal of the foreclosure suit on behalf of the Former Husband.
- F. Enforce the prior orders of the court by any means available, including, but not limited to, incarceration, compensatory or coercive fines, garnishment, suit money and costs, and any other coercive sanction or relief permitted by law.
- G. Award Petitioner attorney's fees for necessity of this motion and all prior hearings on the foreclosure issue.

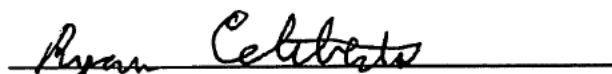
STATE OF FLORIDA)
COUNTY OF BREVARD)


Paige Locke, Petitioner

SWORN TO AND SUBSCRIBED before me, by means of physical presence or [] online notarization, this 11th day of August, 2022, by Petitioner, Paige Locke, who is personally known to me or who has produced a Florida driver's license as identification.



RYAN CELIBERTI
Notary Public
State of Florida
Comm# HH260971
Expires 5/4/2026


NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was electronically served via the Florida Courts E-Filing Portal to Leslie Ferderigos, Windermere Florida Leslie@LeslieAnnLaw.com and Michael Bass Locke at MBL22885@msn.com on August 11, 2021.

Respectfully submitted,

DEBORAH M. SMITH, P.A.

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