

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

In Re:

Bernard C. Mazon and Jane I. Mazon,

Debtors.

CASE NO.: 9:05-bk-04213-MGW

Michael Anthony,

Plaintiff,

Adv. No. 9:05-ap-219-MGW

vs.

Bernard C. Mazon and Jane I. Mazon,

Defendants.

**AMENDED¹ FINAL JUDGMENT FOR PLAINTIFF AND AGAINST
DEFENDANTS BERNARD C. MAZON AND JANE I. MAZON**

Based upon the Order on decision granting Plaintiff's Adversary Complaint to Determine Nondischargeability of Debt and Declaratory Relief Regarding Equitable Lien (the "Order"), it is

ORDERED and ADJUDGED that Judgment is hereby entered in favor of the Plaintiff MICHAEL ANTHONY who has validly assigned his claims to CALLAHAN & BLAIN, APLC, 3 Hutton Centre Drive, Suite 900, Santa Ana, California 92707, and against the Defendants BERNARD C. MAZON and JANE I. MAZON, 295 Grande Way, Unit #905, Naples, Florida 34110, as to Count VII of Plaintiff's Adversary Complaint to Determine Nondischargeability of Debts and for Declaratory Relief Regarding Equitable Lien (the "Adversary Complaint"). It is further

¹ Amended to correct attached legal description.

ORDERED and ADJUDGED that the Court recognizes an Equitable Lien in favor of Plaintiff on Unit 905, 295 Grande Way, Naples, Florida as described in the Declaration of Condominiums for Grand Dominica at the Grand Preserve attached hereto as Exhibit "A" (the "Condominium") to secure the following sums:

- (a) (i) \$735,000.00;
- (ii) plus \$190,000.00 representing converted funds Defendants invested to improve the Condominium;
- (iii) Minus Debtors' monies invested in the property of \$55,500.00 for a subtotal of \$869,500.00;
- (iv) plus prejudgment interest on said sum in the amount of \$233,311.86, calculated pursuant to the prevailing statutory rates under Fla. Stat. § 55.03(1) of 6% for 2003, 7% for 2004, 7% for 2005, 9% for 2006, and 11% for 2007, for a total of \$1,102,811.86;
- (v) The total amount set forth in subparagraph (iv) shall bear interest at the prevailing post-judgment rate from the date of this Order until paid;
- (b) all costs of sale, including broker fees and costs;
- (c) all fees and costs needed to maintain the Condominium including association fees, taxes, and related expenses pending sale.

All for which let execution issue. It is further

ORDERED and ADJUDGED that Callahan & Blaine may immediately market and sell the Condominium to satisfy the Equitable Lien. The Defendants will have ten (10) days from the date of execution of the Order to pay Callahan & Blaine the total sums detailed above in full satisfaction of the Equitable Lien. Failing the Defendants' complete satisfaction of the full amount of the Equitable Lien within the requisite time period, Callahan & Blaine is hereby

authorized to proceed with the sale of the Condominium and at closing distribute the proceeds of the sale up to the amount of the Equitable Lien. The Defendants retain the right to assert a claim to any net sale proceeds in excess of the sales price over the sums due the Plaintiff detailed above; and it is further

ORDERED and ADJUDGED that the Defendants may continue to reside in the Condominium pending sale but must cooperate in allowing Callahan & Blaine, and its agents, servants, and brokers, to show the Condominium to prospective purchasers; and it is further

ORDERED and ADJUDGED that the Defendants shall fully cooperate with Callahan & Blaine in the advertising, marketing, showing for sale, and completion of all documents necessary for the sale and satisfaction of the Equitable Lien. The Court will retain jurisdiction to enforce the satisfaction of the Equitable Lien on an emergency basis, by either telephone or video conference as appropriate.

DONE AND ORDERED in Tampa, Florida on February 1, 2007.



Michael G. Williamson
United States Bankruptcy Judge

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#2591906v1

EXHIBIT "A"

Unit No. 905 of GRANDE DOMINICA AT THE GRANDE PRESERVE (the "Condominium"), a Condominium, according to the Declaration of Condominium thereof (the "Declaration") recorded in Official Records Book 3314, Pages 1326 through 1434, inclusive, of the Public Records of Collier County, Florida, as amended, together with the following: (1) exclusive right to use Parking Spaces GL-3 and GL-110; (2) the exclusive right to use the limited common elements appurtenant to Unit No. 905; and (3) the undivided share of the common elements of the Condominium, declared in the Declaration to be appurtenant thereto.