

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT,  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2013-001040-FC-39-PJ

FAMILY DIVISION

IN RE: THE FORMER MARRIAGE OF

SILVIA PONCE  
N/K/A SILVIA FERRANDI,

Petitioner/Former Wife,  
vs.

CARLOS MANUEL PONCE,

Respondent/Former Husband,

\_\_\_\_\_ /

**JUDGMENT CREDITOR'S AFFIDAVIT IN FURTHERANCE OF WRIT OF  
EXECUTION PURSUANT TO FLORIDA STATUTE 56.27 (4)  
(EXECUTION UPON REAL PROPERTY)**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

BEFORE ME the undersigned authority, personally appeared LAWRENCE J.  
SHAPIRO, ESQ. who after being duly sworn, deposes and states as follows:

1. Your affiant is attorney of record for judgment creditors, David L. Bonham, Esq. and the Bonham Law Firm, having previously filed a "Notice of Limited Appearance" in the above referenced matter. Your affiant is a member of the Florida Bar, in good standing, assigned Florida Bar Number: 0796085. The information being set forth herein is based upon personal and firsthand knowledge, and is based upon a review of a title search which was performed by Russell Jacobs, Esq. of The Jacobs Law Group – a firm which

specializes in real estate transactions, closing and title searches to determine ownership and encumbrances related to real property in the state of Florida. All of the information contained in this affidavit is true and correct.

2. The Judgment Debtor, Carlos Manuel Ponce, whose address is Carlos Manuel Ponce, c/o Monica Miguel Cabrera, Esq., Monica Miguel Cabrera, P.A., 1200 N.W. 78<sup>th</sup> Avenue, Suite 104, Doral, Florida 33126 has rights, title and interest in the following described real property, as a tenant in common with his former spouse, Sylvia Ponce n/k/a Sylvia Ferrandi:

#### **DESCRIPTION OF PROPERTY**

**Condominium Parcel 201, of the COLONADE AT MIAMI LAKES CONDOMINIUM, according to the Declaration of Condominium thereof, recorded in O.R. Book 22921, Page 3088, of the Public Records of Miami-Dade County, Florida, as amended and/or supplemented By Amendment to Declaration of Condominium and Protective Covenants Recorded on March 4, 2005, in O.R. Book 23137, page 1038, of the public Records of Miami-Dade County, Florida.**

**The Property is commonly known as: 6500 Cow Pen Road, Suite 201, Miami Lakes, Florida 33014.**

3. The above described property is a commercial condominium unit, subject to the Declaration of Condominium of the "Colonade at Miami Lakes Condominium", said declaration of condominium having been recorded in O.R. Book 22921, Page 3088, et. seq. of the Public Records of Miami-Dade County, Florida, as amended and/or supplemented by Amendment to Declaration of Condominium and Protective Covenants recorded on March 4, 2015 in O.R. Book 23137, page 1038, of the Public Records of Miami-Dade County, Florida. There do not appear of record any liens or claims to sums

due or owing to the Colonade at Miami Lakes Condominium Association by the Judgment Debtor/owner(s) of record.

4. The tile search performed does not reveal the existence of any judgment liens upon the subject property. In addition, a separate search of the records maintained by the Florida Department of State did not reveal the existence of any judgments against or related to Judgment Debtor, Carlos Manuel Ponce.
5. The title search performed does not reveal the existence of any mortgage liens upon the subject property.
6. The title search performed does not reveal the existence of any Federal, State, Municipal or Local tax liens upon the subject property.
7. The title search performed does not reveal the existence of any unpaid property taxes to be due or owing to the Tax Collector of Miami Dade County, Florida.
8. The title search performed does not reveal the existence of any UCC-1 Financing Statements recorded against the subject real property.
9. The title search does not reveal the existence of any other liens, encumbrances or indebtedness upon the subject property.
10. As referenced in Paragraph 2 above, the Respondent/Former Wife, Sylvia Ponce now known as Sylvia Ferrandi, claims an ownership interest in the subject property, as a tenant in common with the Judgment Debtor. Sylvia Ponce n/k/a Sylvia Ferrandi's address is: 25501 Miami Lake Way North, Apt. 203, Miami Lakes, Florida 33014. Sylvia Ponce n/k/a Sylvia Ferrandi (Petitioner/Former Wife in the above referenced dissolution of marriage action) is represented by: David L. Bonham, Esq., The Bonham

Law Firm, 12000 Biscayne Boulevard, Suite 103, North Miami, Florida 33181; Tel 305-895-0468; email: [DLB@Bonhamlawfirm.com](mailto:DLB@Bonhamlawfirm.com).

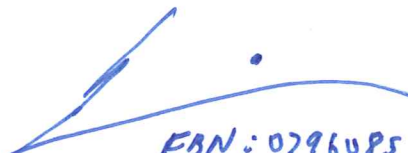
11. There is presently a commercial tenant in possession of the subject property. The name and address of the tenant of the commercial property is as follows: Synergy 3D, 6500 Cow Pen Road, Miami Lakes, Florida 33014. There are no claims of record by the tenant in possession. The tenant in possession is listed herein for purposes of being provided notice of this execution and intended Sheriff's sale of the property.
12. Other than as set forth above, there are no other persons, companies, entities or governmental agencies who claim any rights, title or interests in the subject real property.
13. The levying Judgment Creditors, David L. Bonham, Esq. and The Bonham Law Firm do not have any other levy in process.
14. I understand it is the responsibility of the sheriff to furnish certified mailing of notice to all judgment creditors and other lienholders who have acquired a lien as provided in F.S. § 55.10(1) and (2), or F.S. § 695.01. Affiant has provided to the sheriff said names and addresses required by F. S. § 56.21, if applicable.
15. I made an inquiry of the Public Records of the Clerk of the Circuit Court of Miami- Dade County, Florida, and found no claim filed by the named Judgment Debtor, Carlos Manuel Ponce, exempting the Property from forced sale pursuant to F.S. § 222.01.
16. I understand that unless a directed court order to the sheriff is received prior to the day of sheriff's sale, all monies received through levy or sale will be paid as prescribed in F.S. § 56.27(1); to the sheriff, for costs; the levying creditor in the amount of \$500.00 as liquidated expenses; and the priority lienholder(s) under F.S. § 55.10(1) and (2), as set forth in this Affidavit required of the creditor or their attorney, in satisfaction of the

judgment lien(s), if the judgment lien(s) have not lapsed at the time of levy, and, that if the name of more than one attorney appears in the court file, Affiant has provided to the sheriff the name and address of either the attorney who originally commenced the action or who made the original defense, unless the file shows another attorney has been substituted.

17. Pursuant to F.S. § 56.27 (2)(b), I understand that if the Property is subject to any recorded mortgage, financing statement, tax warrant, or other lien, other than a judgment lien, which is junior in priority to the levying creditor's judgment lien, any surplus from the sale of the Property shall be paid over to the registry of the court from which the execution issued for further proceedings to determine the priority in which such surplus shall be distributed among inferior judgment lienholders, other lienholders, and the owner of the Property sold.

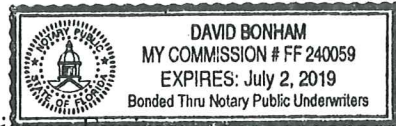
18. That I further understand pursuant to F.S. § 56.27(5), a sheriff paying money received under an Execution in accordance with the information contained in this Affidavit under subsection(4), is not liable to anyone for damages arising from a wrongful levy. The receipt of the attorney shall be a release of the officer paying the money to him or her.

FURTHER AFFIANT SAYETH NOT.

  
FBN: 0796085  
\_\_\_\_\_  
LAWRENCE J. SHAPIRO, ESQ.  
AFFIANT/COUNSEL FOR JUDGMENT  
CREDITORS, BONHAM

The foregoing was acknowledged before me this 16<sup>th</sup> day of March, 2016 by  
LAWRENCE J. SHAPIRO, who has produced

\_\_\_\_\_ as identification or is personally known to me  
to be the same and who took an oath.



My Commission Expires:

Dated this 16<sup>th</sup> of March, 2016.

NOTARY PUBLIC-STATE OF  
FLORIDA

Print Name: DAVID C. BONHAM

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By:   
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