

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No.: 2010CA019300

Division: AN

Stephen A. Alexander,

Plaintiff,

vs.

Michael T. Hardman,

Defendant
/

AGREED ORDER ON PLAINTIFF'S MOTION FOR FINAL SUMMARY JUDGMENT

Plaintiff's Motion for Final Summary Judgment is scheduled for hearing on March 9, 2016. Based upon the pleadings, records, documents filed by counsel, and the agreement of the parties, the Court finds that Plaintiff's unopposed Motion for Final Summary Judgment should be **GRANTED**.

The Court finds that there is no genuine issue of material fact with respect to the following facts:

1. Plaintiff was the originating lender and has held the note attached as Exhibit "A" to the Motion for Summary Judgment since June 5, 2009;
2. The note was payable upon the sale, transfer, or assignment, or further encumbrance of any assets in which Michael T. Hardman, solely or as a tenant by the entirety has an interest.
3. The official records of Palm Beach County, Florida show that defendant transferred by special warranty deed certain real property to SGBK Properties, Inc. (a copy of such deed is attached as Exhibit "B" to the Motion for Summary Judgment).
4. Such official records also show that defendant transferred by special warranty deed certain real property to Virginia Diehl (a copy of such deed is attached as Exhibit "C" to the Motion for Summary Judgment).

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5. Defendant defaulted on the note by failing to satisfy the subject note upon the transfer of the Palm Beach County real property referred to above.
6. There is no genuine issue of material fact as to plaintiff's right to enforce the subject note.
7. On or about July 5, 2010, demand for payment of the balance of the note was made upon defendant by correspondence to his attorney.

IT IS THEREFORE ORDERED that the Plaintiff's Motion for Final Summary Judgment is hereby **GRANTED**.

IT IS FURTHER ORDERED:

a. That Plaintiff recover judgment against Defendant for \$550,000.00 plus interest from June 5, 2009 at six percent (6%).

b. That Defendant take nothing in this action.

c. The Court retains jurisdiction of this action to enter further orders, including but not limited to orders pertaining to entitlement and amount of attorneys' fees and costs.

██████ case is on the trial calendar for April 4, 2016 and by this Order, the parties have come to an agreement regarding the resolution of this matter.

DONE and ORDERED in chambers, in West Palm Beach, Palm Beach County, Florida, this 7th day of March, 2016.

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Cheryl A. Caracuzzo
Cheryl A. Caracuzzo - Circuit Judge

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Cheryl A. Caracuzzo
Circuit Judge

Copies to:

Mark A. Cullen, Attorney for Defendant, The Cullen Law Firm, P.A.,
██████████ Beach, Florida

██████████ Primary Email:
██████████