

IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CECIL ALLEN, as Trustee of the
Cecil Allen Revocable Trust
1111 Audubon Way
Maitland, Florida 32751,

CASE NO.: 2015-CA-001293-O

Plaintiff,

v.

SUNITA SOOKHLALL BHATIA;
GAUTAM BHATIA; GAUTAM
BHATIA, as Trustee of the Gautam
Bhatia Trust Dated January 16, 2009;
MARK OLIVER KOZLOWSKI a/k/a
MARCO O. KOZLOWSKI a/k/a
MARCOS KOZLOWSKI, individually
and as Trustee of the Firma Family Land
Trust, 3956 Town Center Blvd., Orlando,
Florida 32837; TIKI FINANCIAL SERVICES,
INC.; UNITED STATES OF AMERICA,
DEPARTMENT OF THE TREASURY-
INTERNAL REVENUE SERVICE; UNKNOWN
TENANT #1; UNKNOWN TENANT #2,

Defendants.

**MOTION FOR SUMMARY JUDGMENT OF FORECLOSURE AND ENTRY OF
JUDGMENT OF FORECLOSURE PURSUANT TO SETTLEMENT AGREEMENT**

COMES NOW, Plaintiff, CECIL ALLEN, as Trustee of the Cecil Allen Revocable Trust,
by and through his undersigned counsel, and hereby moves for entry of Summary Judgment of
Foreclosure and in support thereof would state as follows:

1. On or about February 13, 2015, Plaintiff initiated a Verified Complaint seeking to
foreclose a Mortgage which served as collateral for a Promissory Note. Each Defendant has
been served with the Complaint and either defaulted or an Answer was filed with no Affirmative
Defenses or a Settlement Agreement filed.

- a. Defendant, United States of America, Department of Treasury-Internal Revenue Service, was defaulted by the Clerk of Court on May 22, 2015.
 - b. Defendant, Gautam Bhatia, individually and as Trustee of the Gautam Bhatia Trust dated January 16, 2009, filed an Answer on May 13, 2015, however, no Affirmative Defenses were asserted.
 - c. Defendant, Marco O. Kozlowski a/k/a Marcos Kozlowski a/k/a Mark Kozlowski, individually and as Trustee of the Firma Family Land Trust, filed an Answer on April 17, 2015 and subsequently entered into a Settlement Agreement on August 5, 2015 that was filed with this Court on August 7, 2015.
 - d. Defendant, Sunita Sookhlall Bhatia, was defaulted by the Clerk on March 30, 2015.
 - e. Defendant, Tiki Financial Services, Inc., was defaulted by the Clerk on March 19, 2015.
 - f. Defendant, Unknown Tenant #1, was defaulted on March 19, 2015. The tenant was Marco Kozlowski.
 - g. Defendant, Unknown Unknown #2, was non-served by notice filed with the Court on March 5, 2015.
2. The original Note and Mortgage were filed with the Court on March 9, 2015.
 3. Count I seeks the recovery of the principal balance remaining due and payable of \$141,002.94, plus default interest at the rate of 18% per annum accruing from October 1, 2016 through the date of final judgment, which equals a per diem of \$69.53, plus attorney's fees and costs.

4. Count II is an action to foreclosure a Mortgage respecting the property located in Orange County, Florida which secures the Promissory Note.

5. Pursuant to the Settlement Agreement filed with this Court, the remaining balance due and payable under the Promissory Note is \$141,002.94 due on October 1, 2016.

6. The payment was not made on October 1, 2016.

7. Pursuant to the Settlement Agreement, Notice of Default was provided to Defendant, Marco Kozlowski, and he has failed to cure within five (5) days of the delivery of the Notice Default by email.

8. Plaintiff is entitled to a Final Judgment of Foreclosure respecting the principal owed, plus default interest, attorney's fees and costs.

Respectfully submitted,

s/Houston E. Short
Houston E. Short, Esq.
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Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 13, 2016, I electronically filed the foregoing with the Clerk of Courts by using the State of Florida ePortal which will send a notice of electronic filing to the following: **Brian Walsh, Esq.** at brian.walsh@walshbanks.com, **Brandon W. Banks, Esq.** at Brandon.banks@walshbanks.com, Walsh Banks, PLLC, P.O. Box 2271, Orlando, Florida 32802-2271. I further certify that a true and correct copy of the foregoing was furnished by U.S. Mail delivery to the following: **Gautam Bhatia**, 150 E. Robinson Street, Unit 6S03, Orlando, Florida 32801; **Sunita Sookhlall Bhatia**, 13427 Blue Heron Beach Drive, Unit

#1103, Orlando, Florida 32821; **United States of America, Department of the Treasury-Internal Revenue Service**, c/o Chief Counsel Office, 1111 Constitution Avenue NW, Washington, D.C. 20224; **Tiki Financial Services**, c/o Timothy Randolph II, RA, 6505 Edgewater Drive, Orlando, Florida 32810; **Unknown Tenant #1**, 710 Thompson Ave., Maitland, Florida 32751.

s/Houston E. Short

Houston E. Short, Esq.

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