

## Eugene Steinfeld

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**From:** Eugene Steinfeld  
**Sent:** Tuesday, May 12, 2015 5:41 PM  
**To:** 'William DiPetrillo'  
**Subject:** RE: Willis v. MacDonald

The answer is not so easy and this is why Mr. Di Petrillo would need to talk to me.

1. The present bar consists of 4 bays. The Order of the Court only provides for possession for only two of the four bays which comprise the present O'Meara's.
2. The Margate CRA has a lease with Virgil's Ventures LLC not with the Willis's.
3. In order to provide for the full eviction of Virgil Ventures, Florida Law requires that same go through the Statutory eviction procedures.
4. Mr. McDonald claims, that as has been dispossessed of the two bays, that he would like to pay only for the remaining two bays.

In light of the preceding, it would seem at this point, that the CRA's alternative is to 1) wait for an amendment to the final judgment that had been granted for possession dated March 3, 2015, granting the Willis's repossession of Virgil's Ventures and possession of all four bays, or 2) evict both parties for non-payment of rent. If the latter is to be considered, the decision as to who would be granted a subsequent lease would be a decision of the administration of the CRA and possibly, ultimately, the CRA board.

The MCRA will be having a meeting tomorrow evening at 7 PM and I will be bringing this matter to their attention.

### **Eugene M. Steinfeld, City Attorney**

City of Margate  
5790 Margate Boulevard  
Margate, FL 33063  
[cityatty@margatefl.com](mailto:cityatty@margatefl.com)  
(954)935-5319  
Office Hours: Mon. – Thu. 8:00 AM – 6:00 PM

**From:** William DiPetrillo [<mailto:williamdipetrillo@gmail.com>]  
**Sent:** Tuesday, May 12, 2015 3:59 PM  
**To:** Nancy Popick  
**Cc:** Spencer Manley  
**Subject:** Willis v. MacDonald

Counsel,

It is my understanding that Virgil Ventures has breached the lease.

Pursuant to the Court Order, the Willis' have/can take possession of the bar.

Will you lease them the property?

Or, pursuant to your 3-day notice, can they just start paying the rent?

Please advise.

Thank you,

Spencer Manley  
Paralegal for  
William J. DiPetrillo, Esq.  
400 SE 8th Street  
Fort Lauderdale, FL 33316

Phone: (954) 769-9918

Fax: (954) 769-9916  
WilliamDiPetrillo@gmail.com

**Board Members**

Frank Tolerico  
Chair

Joanne Simone  
Vice Chair

Joyce W. Bryan  
Board Member

Lesa Feerman  
Board Member

Tommy Ruzzano  
Board Member



**Staff**

Diane Colonna  
Executive Director

Kim Vazquez  
Project Manager

Rita Rodi  
CRA Coordinator

May 5, 2015

Mr. William McDonald III  
Virgil's Ventures, LLC  
Virgil Venture, LLC  
1047 North State Road 7  
Margate, Florida 33063

and

Mr. Virgil Willis  
Mrs. Barbara Willis  
1047 North State Road 7  
Margate, Florida 33063

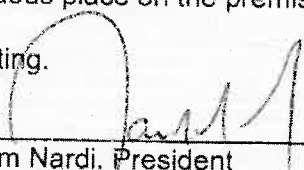
Dear: Mr. McDonald, Mr. Willis and Mrs. Willis:

PLEASE BE ADVISED THAT PURSUANT TO SECTION 83.20 OF THE FLORIDA STATUTES, YOU HAVE UNTIL MAY 11, 2015, AT 6:00 P.M. TO PAY \$2,710.29 AT THE OFFICES OF THE MARGATE COMMUNITY REDEVELOPMENT AGENCY, 5790 MARGATE BOULEVARD, SECOND FLOOR, MARGATE, FLORIDA, OR DELIVER POSSESSION OF THE PREMISES LOCATED AT 1045, 1047, 1049 and 1051 NORTH STATE ROAD 7 TO THE MARGATE COMMUNITY REDEVELOPMENT AGENCY.

PLEASE GOVERN YOURSELF ACCORDINGLY.

I certify that a true copy of this Notice has been furnished to the above-named tenant on May 5, 2015 by

- ( ) personal delivery to BARBARA WILLIS & WILLIAM MCDONALD
- ( ) by posting this Notice in a conspicuous place on the premises; or
- ☒ by both personal delivery and posting.

  
\_\_\_\_\_  
Jim Nardi, President  
Advanced Asset Management, Inc.  
6209 Margate Boulevard  
Margate, Florida 33063  
(954) 817-1041

FOR BROWARD COUNTY,  
FLORIDA

CIVIL DIVISION

CASE NO. CACE 14-000380

Hon. Judge: DALE ROSS

BARBARA WILLIS,  
VIRGIL WILLIS,

Plaintiffs,

v.

WILLIAM ANTHONY MCDONALD,  
And Virgil's Ventures, LLC.

Defendants.

---

**FINAL JUDGMENT**

This action was tried before this Honorable Court on the Plaintiff's Motion for Summary Judgment and on the evidence presented, the Honorable Judge found that the Defendant did not appear, the Defendant was properly noticed, the Defendant did not file an affidavit in defense and

IT IS ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment, against the Defendants, William Anthony McDonald individually and Virgil's Ventures, LLC., a Florida corporation, with prejudice, is GRANTED together with an award of :
  - a. The first and second agreement state that a default would result in the return of the bar Mugshots. Therefore the court awards and orders the clerk to enter a writ of possession for the bar Mugshots, Omears or any new name for the property located at 1047-1049 N. SR 7, Margate, FL 33063;
  - b. Award the accelerated money due on the second agreement of \$22,500 minus



- c. Award \$3,611 on the credit card theft;
- d. Award the deposits of \$1,630 and \$830;
- e. Treble damages on the check  $\$2,329.27 \times 3 = \$6,987.81$ ;
- f. Phone bill of \$124.00;
- g. All sales tax due;
- h. \$99 expense from merchant services;
- i. Award attorney's fees of \$23,400.00;
- j. Total monetary award to Plaintiffs in the amount of \$25,781.81.

**ORDERED** at 201 SE 6<sup>th</sup> Street, Fort Lauderdale, FL 33301 in chambers  
On March 2, 2015,

Judge Dale Ross

For which let execution issue

MAR 02 2015

A True Copy

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Hon. Judge : DALE ROSS

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. CACE 14-000380

Hon. Judge: DALE ROSS

BARBARA WILLIS,  
VIRGIL WILLIS,

Plaintiffs,

v.

WILLIAMM ANTHONY MCDONALD,  
And Virgil's Ventures, LLC.

Defendants.

WRIT OF POSSESSION

Pursuant to this Honorable Court's order on March 2, 2015:

THE STATE OF FLORIDA

To the Sheriff of Broward County, Florida

YOU ARE COMMANDED to remove all persons from the following described property in  
Broward County, Florida

Mugshots or Omeras or any new name of the establishment located at 1047-1049 N. State  
Road 7, Margate, FL 33063

and to put Barbara Willis and Virgil Willis in possession of it.

Dated: **MAR 03 2015**

**HOWARD C. FORMAN**

AS CLERK OF THE COURT

As Deputy Clerk

CAROLYN WASHINGTON

A TRUE COPY  
Circuit Civil

\*\*\* FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 3/3/2015 12:39:42 PM.\*\*\*

INSTR # 112871509  
Recorded 03/17/15 02:08:30 PM  
Broward County Commission  
Deputy Clerk 2165  
#1, 2 Pages

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND  
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the \$10,000 deposit = \$12,500;

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**ORDERED** at 201 SE 6<sup>th</sup> Street, Fort Lauderdale, FL 33301 in chambers

On March 2, 2015,

For which let execution issue



Hon. Judge : DALE ROSS



I hereby certify this document to be a true, correct and complete copy of the record filed in my office. Dated this 17 day of March 2015.

County Administrator.

By Georgina Pincie  
Deputy Clerk



\*\*\*\* FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 3/3/2015 12:39:42 PM \*\*\*\*

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY,  
FLORIDA

CIVIL DIVISION

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Hon. Judge: DALE ROSS

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THIS IS NOT AN  
OFFICIAL COPY

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County Administrator.

By Georgiana Dineie Deputy Clerk

## Nancy Popick

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**From:** William DiPetrillo <williamdipetrillo@gmail.com>  
**Sent:** Tuesday, May 12, 2015 3:59 PM  
**To:** Nancy Popick  
**Cc:** Spencer Manley  
**Subject:** Willis v. MacDonald

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Paralegal for  
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Phone: (954) 769-9918

Fax: (954) 769-9916  
WilliamDiPetrillo@gmail.com

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CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

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BARBARA WILLIS, VIRGIL WILLIS,

Plaintiffs,

v.

WILLIAM ANTHONY MCDONALD,  
and Virgil's Ventures, LLC.

Defendants.

NOTICE OF APPEARANCE AND DESIGNATION OF EMAIL ADDRESS

The undersigned, Barry G. Roderman, Esquire, of the law firm of Barry G. Roderman & Associates, P.A., does hereby file this appearance as counsel for the, Defendants WILLIAM ANTHONY MCDONALD, and Virgil's Ventures, LLC, in the above referenced matter, files this Designation of Email Address pursuant to Florida Supreme Court decision SC 10-2101 and hereby designates the following email addresses for the purpose of receiving pleadings:

Primary E-mail address: [mail@barryroderman.com](mailto:mail@barryroderman.com)

Second E-mail address: [bgr@barryroderman.com](mailto:bgr@barryroderman.com)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 23, 2015, I electronically filed the foregoing with the Clerk of the Courts by using the eFiling Portal, and that a copy was served via Electronic Mail to: William John DiPetrillo, Esq., at [williamdipetrillo@gmail.com](mailto:williamdipetrillo@gmail.com).

BARRY G. RODERMAN & ASSOCIATES, PA  
Attorneys for Defendants,  
2600 North Military Trail, Suite 410  
Boca Raton, FL 33431  
Tel: (561) 300-3173  
Fax: (888) 246-9753

By: /s/: Barry G. Roderman  
BARRY G. RODERMAN, ESQ.  
Florida Bar Number: 105637

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

Case No.: CACE-14-000380

BARBARA WILLIS and VIRGIL WILLIS,

Plaintiffs,

vs.

WILLIAM ANTHONY MCDONALD, and  
Virgil's Ventures, LLC,

Defendants.

**MOTION TO VACATE FINAL JUDGMENT**

COMES NOW, the Defendants, WILLIAM ANTHONY MCDONALD, and Virgil's Ventures, LLC (hereinafter referred to collectively as the "Defendants"), by and through their undersigned counsel, and hereby files the following Motion to Vacate Final Judgment, pursuant to Rule 1.540(b)(4), Florida Rules of Civil Procedure, and as grounds therefore states as follows:

**LEGAL AUTHORITY FOR THE RELIEF REQUESTED**

1. Rule 1.540(b)(4), Florida Rules of Civil Procedure provides that, "On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, decree, order, or proceeding for the following reasons . . . (4) that the judgment or decree is void."

**RELEVANT FACTS REGARDING THE RELIEF REQUESTED**

2. The Plaintiff filed the instant complaint against the Defendants on or about January 7, 2014.

3. Defendants retained legal counsel on or about January 28, 2014.
4. Defendant's counsel filed a Motion to Withdraw, as Defendants legal counsel, with this Court on October 10, 2014, and same was granted by this Court on or about October 23, 2014.
5. The Plaintiff filed its Motion for Summary Judgment seeking a judgment on October 31, 2014.
6. Plaintiffs filed a Notice of Hearing for Plaintiff's Motion for Summary Judgment, on or about October 31, 2014, with full knowledge that Defendant was no longer being legally represented by an attorney in this action. The hearing was scheduled for March 2, 2015 at 10:30 a.m., some four (4) months later. Defendants were never given notice of same.
7. Defendants were without any knowledge of the aforementioned Hearing or Motion, and were therefore not able to acquire legal representation for the hearing.
8. Final Judgment in favor of the Plaintiffs and against the Defendants was entered on or about March 3, 2015. (*See Final Judgment attached as Exhibit A*).
9. Defendants, immediately upon receipt of the entry of Final Judgment, contacted the undersigned counsel for representation, on or about March 13, 2015, in order to file this Motion on their behalf and vacate Final Judgment.

### ANALYSIS

9. The action for the summary judgment was commenced by the Plaintiff filing the Motion for Summary Judgment on or about October 31, 2014.
10. The Plaintiff's failure to provide the Defendants with proper Notice of Hearing and opportunity to be heard was a violation of Defendant's due process rights, rendering the Final Judgment under 1.540(b)(4) voidable and said Judgment should be vacated and have no prospective application.

WHEREFORE, Defendants, WILLIAM ANTHONY MCDONALD and Virgil's Ventures, LLC, respectfully request this Court to enter an Order granting the Motion to Vacate the Final Judgment and any other relief to which this Court deems necessary.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on **March 23, 2015**, I electronically filed the foregoing with the Clerk of the Courts by using the eFiling Portal, and that a copy was served via Electronic Mail to: William John DiPetrillo, Esq., at [williamdipetrillo@gmail.com](mailto:williamdipetrillo@gmail.com).

BARRY G. RODERMAN & ASSOCIATES, PA  
Attorneys for Defendants  
2600 North Military Trail, Suite 410  
Boca Raton, FL 33431  
Telephone: (561) 300-3173  
Facsimile: (888) 246-9753

By: /s/: Barry G. Roderman  
BARRY G. RODERMAN, ESQ.  
Florida Bar Number: 105637