

Filing # 171751558 E-Filed 04/25/2023 01:37:44 PM

IN THE CIRCUIT COURT OF THE
TENTH JUDICIAL CIRCUIT, IN AND
FOR POLK COUNTY, FLORIDA

CASE NO.: 2023-CA-000489

FOUNDATION BUILDING
MATERIALS, LLC, a California
limited liability company,

Plaintiff,

vs.

MARATHON FBO PARTNERS, LLC,
a Florida limited liability company;
FIRST NATIONAL BANK OF
PENNSYLVANIA, a National Bank and
SPRINGER-PETERSON ROOFING &
SHEET METAL, INC., a Florida corporation,

Defendants.

**FINAL JUDGMENT OF FORECLOSURE IN FAVOR OF
FOUNDATION BUILDING MATERIALS, LLC AND AGAINST
SPRINGER-PETERSON ROOFING & SHEET METAL, INC.**

This cause having come before the Court upon:

Plaintiff's Motion for Entry of Default Final Judgment of Foreclosure Against
Springer-Peterson Roofing & Sheet Metal, Inc., certificate of service date
April 7, 2023,

and upon consideration of the evidence presented, and the default of the Defendant,
SPRINGER-PETERSON ROOFING & SHEET METAL, INC. (hereinafter sometimes
referred to as "Defendant"), and the Court finding that it has jurisdiction of the subject
matter and parties, and that due and legal service of process was perfected upon the
Defendant, that the Defendant was provided proper notice, and the Court being otherwise
fully advised in the premises, the Court finds:

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FINDINGS

1. Defendant, SPRINGER-PETERSON ROOFING & SHEET METAL, INC., may claim some right, title or interest in and to the real property sought to be foreclosed herein by virtue of the recordation of a Thirty-Eight Thousand Eight Hundred Ten and 00/100 Dollars (\$38,810.00) Claim of Lien on November 7, 2022, in Official Records Book 12477, beginning at Page 1698, Public Records of Polk County, Florida.

2. A copy of the Claim of Lien referred to in the preceding paragraph was attached to the Complaint herein as Exhibit "M".

3. Any right, title, or interest of SPRINGER-PETERSON ROOFING & SHEET METAL, INC. in and to the real property sought to be foreclosed herein by virtue of the recordation of the Claim of Lien referred to hereinabove or any other interest is junior, subordinate and inferior to Plaintiff's, **FOUNDATION BUILDING MATERIALS, LLC** (hereinafter sometimes referred to as "Plaintiff"), construction lien that is the subject of this action.

4. The Claim of Lien of SPRINGER-PETERSON ROOFING & SHEET METAL, INC. referred to hereinabove fails to meet the basic requirements of Section 713.08, Florida Statutes as a result of including but not limited to the following:

a. It was prepared by a non-lawyer being an employee of Express Lien, Inc. d/b/a Levelset;

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b. It was executed by Kelsey Laster without personal knowledge in Orleans Parish, Louisiana and it provides that she was the agent solely for the “signing and presenting for filing this claim of lien”;

c. The contents of SPRINGER-PETERSON ROOFING & SHEET METAL, INC.’s Claim of Lien is not sworn to as accurate as required by Section 713.08, Florida Statutes; and

d. It is likely that the preparation of the Claim of Lien by a non-lawyer constitutes the unlicensed practice of law.

it is THEREFORE,

HOLDINGS

ORDERED and ADJUDGED:

1. The construction lien of Plaintiff, **FOUNDATION BUILDING MATERIALS, LLC**, recorded on August 29, 2022, in Official Records Book 12396, Page 2148, Public Records of Polk County, Florida, constitutes a valid construction lien as of the recording date and time of the recordation of the Notice of Commencement on January 19, 2022, in Official Records Book 12079, Page 1418, Public Records of Polk County, Florida, superior to the interests of **SPRINGER-PETERSON ROOFING & SHEET METAL, INC.** and/or its assigns, to secure the payment of the amounts due Plaintiff to be liquidated by further

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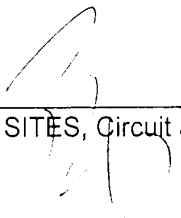
hearing of this Court against the following described real property in Polk County, Florida,
to wit:

A parcel of real property located and lying in Section 4, Township 29 South, Range 23 East, Polk County, Florida, as more particularly described in that certain Memorandum of Ground Lease recorded on February 14, 2022, in Official Records Book 12116, beginning at Page 1061, Public Records of Polk County, Florida.

2. Jurisdiction of this action is retained to enter further orders to liquidate the amounts due, to schedule judicial sale, to enforce this judgment, to order Writs of Possession and deficiency judgment.

3. FOUNDATION BUILDING MATERIALS, LLC, a California limited liability company prevailed on the significant issues in this action and is the prevailing party in this cause as to Defendant, **SPRINGER-PETERSON ROOFING & SHEET METAL, INC.** The address of FOUNDATION BUILDING MATERIALS, LLC is 1924 West Princeton Street, Orlando, FL 32804, and whose mailing address is c/o Barry Kalmanson, Professional Association, 500 North Maitland Ave., Suite 305, Maitland, Florida 32751.

DONE and ORDERED in Chambers at Bartow, Polk County, Florida, this ^{APR. 25 2023} _____ day of April, 2023.



WILLIAM D. SITES, Circuit Judge

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