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IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL  
CIRCUIT IN AND FOR DUVAL COUNTY, FLORIDA

EVERBANK

CIRCUIT CIVIL

Plaintiff,

Case No. 16-2011-CA-  
006090-XXXX-MA  
FC-C

vs.

MARCIAL H. RIVERA; OLGA  
RIVERA; UNITED STATES OF  
AMERICA DEPARTMENT OF THE  
TREASURY

**NOTICE OF APPEAL**  
(Fla. R. App. P. 9.900(a))

\_\_\_\_\_  
Defendants. /

NOTICE IS GIVEN that defendant/appellant Marcial H. Rivera appeals to the First District Court of Appeal the order of this court rendered on Jul. 6, 2018 and the denial of the motion for rehearing, reconsideration or clarification rendered on Aug. 7, 2018. A conformed copy of each order is attached. The nature of the orders is denial of a motion to require the third-party purchaser to pay amounts into the court registry.

CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished (i) Shapiro, Fishman & Gache, LLP, 4630 Woodland Corporate Blvd., Suite 100, Tampa, FL 33614, [sfgtampaservice@logs.com](mailto:sfgtampaservice@logs.com); [masterefilings@logs.com](mailto:masterefilings@logs.com); [cgiacinto@logs.com](mailto:cgiacinto@logs.com), (ii) Kahane & Associates, P.A., 8201 Peters Road, Suite 3000, Plantation FL 33324, [notice@kahaneandassociates.com](mailto:notice@kahaneandassociates.com); [e-filingdept@kahaneandassociates.com](mailto:e-filingdept@kahaneandassociates.com); [tcrowder@kahaneandassociates.com](mailto:tcrowder@kahaneandassociates.com), (iii) Olga Rivera, 4534 Hood Road, Jacksonville, FL 32257 and (iv) United States of America, Department of Treasury, c/o Jennifer W. Corinis, 400 N Tampa Street, Suite 3200, Tampa, FL 33602, [usaflm.state.foreclosures@usdoj.gov](mailto:usaflm.state.foreclosures@usdoj.gov) by e-mail or first-class U.S. Mail on August 14, 2018.

/s/ Michael Farrar

Michael J. Farrar, Esq.  
Fla. Bar No. 634921  
18851 NE 29th Ave. # 700  
Aventura FL 33180  
Tel.: (305) 749-2500  
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Filing # 74581957 E-Filed 07/06/2018 03:35:36 PM

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

EVERBANK,

Plaintiff,

v.

Case No.: 16-2011-CA-006090

Division: FC-C

MARCIAL RIVERA, et al.,

Defendants.

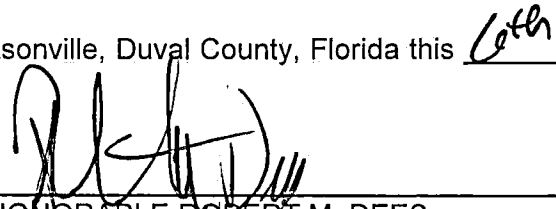
\_\_\_\_\_ /

**ORDER DENYING DEFENDANT'S MOTION FOR DETERMINATION  
OF INTEREST IN CREDIT BID AMOUNT AND FOR OTHER RELIEF**

This cause came before the Court on defendant Rivera's motion for determination of interest in credit bid amount and for other relief, and the Court having reviewed the motion and heard argument of counsel, it is

ORDERED AND ADJUDGED that defendant Rivera's motion for determination of interest in credit bid amount and for other relief is DENIED.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida this 6<sup>th</sup> day of July, 2018.



HONORABLE ROBERT M. DEES  
Circuit Judge

Copies furnished to:

Counsel of record

Olga Rivera  
4534 Hood Road  
Jacksonville, Florida 32257

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IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

EVERBANK,

Plaintiff,

v.

Case No.: 16-2011-CA-006090

Division: FC-C

MARCIAL RIVERA, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER DENYING DEFENDANT'S MOTION FOR REHEARING  
OR RECONSIDERATION OR IN THE ALTERNATIVE CLARIFICATION**

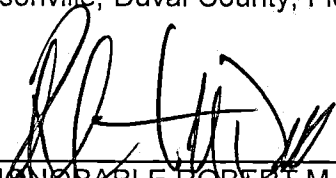
This cause came before the Court on defendant Marcial Rivera's motion for rehearing or reconsideration or in the alternative clarification, without hearing, and the Court having reviewed the motion and docket, and being otherwise advised in the premises, Orders as follows:

1. Defendant's motion for rehearing or reconsideration or in the alternative clarification is DENIED.

2. This Court entered final judgment on October 20, 2014. The property was sold at auction on August 18, 2015. Prior to the sale, plaintiff submitted affidavits of additional costs incurred after judgment was entered for amounts including interest, county taxes, and property insurance which were incurred after the judgment and before the sale. Such costs offset the difference between the sale amount and the amount of the final judgment.

3. This is a final order, and defendant shall take nothing on its claim for amounts bid in excess of the final judgment.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida this 7th day of August, 2018.

  
\_\_\_\_\_  
HONORABLE ROBERT M. DEES  
Circuit Judge

Copies furnished to:

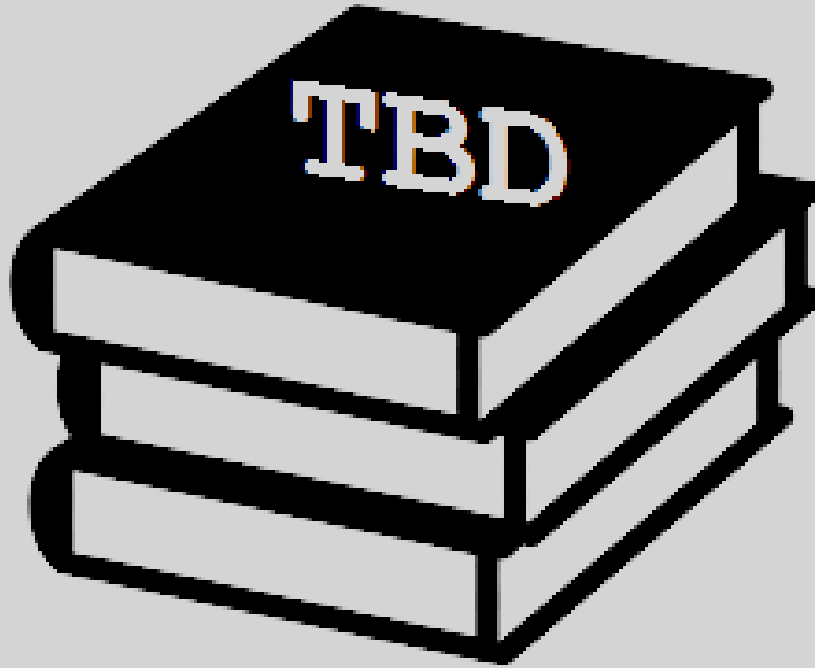
Counsel of record

Olga Rivera  
4534 Hood Road  
Jacksonville, Florida 32257

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