

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
LEE COUNTY, FLORIDA
CIVIL DIVISION

INTRACOASTAL BANK, a Florida banking
corporation

Plaintiff,

v.

24-CA-3171

SOUTHERN OAKS SENIOR LIVING
CARE, LLC, a Florida limited liability
company; GREGORY D. MORRIS, an
individual; BANK OF LEUMI USA, a foreign
corporation; AMERICAN LENDING
CENTER, LLC f/k/a U.S. EMPLOYMENT
DEVELOPMENT LENDING CENTER, LLC,
a California limited liability company;
ROOFING AND RECONSTRUCTION
CONTRACTORS OF AMERICA, LLC;
CARING, INC.; LEONORA DECERIO,
individually, and as Personal Representative of
THE ESTATE OF JOAN DECERIO; and
UNKNOWN TENANTS in possession of 2117
Earl Road, Fort Myers, Florida 33901,
Defendants.

AGREED PARTIAL FINAL JUDGMENT

THIS CAUSE came before the Court, on the request of Plaintiff/Counterclaim Defendant, INTRACOASTAL BANK (“Plaintiff” or “Intracoastal”), and Defendant/Counterclaim Plaintiff, AMERICAN LENDING CENTER, LLC f/k/a U.S EMPLOYMENT DEVELOPMENT LENDING CENTER, LLC (“Defendant” or “ALC”), pursuant to the Joint Stipulation for Entry of Partial Final Judgment filed with the Court. Intracoastal and ALC are referred to collectively as the “Parties.”

The Court, having considered the Joint Stipulation, reviewed the record, and being advised that counsel and the Parties are in agreement as to the relief sought, It is,

ORDERED AND ADJUDGED:

1. Partial Final Judgment is entered in favor of Intracoastal only and against ALC on Count III (Foreclosure of the ALC Mortgage), Count V (Appointment of a Receiver), Count VI (Fraudulent Inducement), and Count VII (Tortious Interference with Contract) of ALC's Amended Counterclaim [D.E. 59], as well as on all of ALC's affirmative defenses to Intracoastal's Verified Complaint [D.E. 3, 30]. ALC shall take nothing by way of these counterclaims and affirmative defenses against Intracoastal, and Intracoastal shall go hence without day.

2. Specifically, Intracoastal holds a first priority mortgage interest in the subject real property, located at 2117 Earl Road, Fort Myers, Florida (the "Property"), as described as follows:

All that part of Lot 6, JAMES HOLMES DIVISION, according to the plat thereof as recorded in Plat Book 5, page 11, Public Records of Lee County, Florida being more particularly described as follows:

COMMENCING at the Northeast corner of said Lot 6; thence along the North line of said Lot 6, S. 89° 02' 20" W. for 190.00 feet to a line lying 190.00 feet west of and parallel with the east line of said Lot 6 and the Point of Beginning of the Parcel herein described; thence along said parallel line S. 01° 02' 40" E. for 265.94 feet to the north right of way line of Earl Road (as recorded in Deed Book 267, page 418, Public Records of Lee County, Florida); thence along said North right of way line, S. 88° 59' 00" W. for 671.54 feet to a line lying 400.00 feet east of and parallel with the west line of said Lot 6; thence along said parallel line N. 00° 57' 11" W. for 101.65 feet; thence S. 89° 02' 20" W. for 48.66 feet to a line lying 351.34 feet east of and parallel with the west line of said Lot 6; thence along said parallel line, N. 00° 57' 11" W. for 164.94 feet to the North line of said Lot 6; thence along said north line, N. 89° 02' 20" E. for 719.78 feet to the Point of Beginning of the parcel

3. Intracoastal holds a first priority mortgage interest in the Property pursuant to the express terms of that Subordination Agreement dated April 8, 2021, recorded in the Official Records of Lee County, Florida, as Instrument No. 2021000114426.

4. Accordingly, even if ALC successfully reestablishes its mortgage pursuant to Count II (Reestablishment of Inadvertently Released Mortgage and Note) of ALC's Amended Counterclaim, ALC's Mortgage, recorded in the Official Records of Lee County, Florida, as Instrument No. 2014000125948, will remain subordinate to the lien of Intracoastal's Mortgage, recorded in the Official Records of Lee County, Florida, as Instrument No. 2021000114424. Intracoastal's Mortgage is superior to any interest that ALC has or may have in the Property. As such, ALC will not be entitled to foreclose out Intracoastal's first priority mortgage interest pursuant to Count III (Foreclosure of the ALC Mortgage).

5. This Partial Final Judgment fully resolves all of the claims asserted by ALC against only Intracoastal in ALC's Amended Counterclaim as well as ALC's affirmative defenses to Intracoastal Bank's Verified Complaint, in favor of Intracoastal and against ALC. This Partial Final Judgment does not resolve any of the claims between ALC and any other party to this litigation, including ALC's Count III (Foreclosure of the ALC Mortgage), which remain pending against all other defendants.

6. Jurisdiction of this action is retained to enter further orders that are proper.

7. Intracoastal and ALC shall each bear their own attorneys' fees and costs in connection with this action.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida.


08/29/2025 15:24:00
24-CA-003171

Rachael S. Loukonen, Circuit Court Judge iCRADuMV
24-CA-003171 08/29/2025 15:24:00

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