

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

SANTA ROSA GROVES, INC. and
SANTA ROSA HOME-OWNERS
ASSOCIATION, INC.,
Plaintiffs,

CASE NO. 502020CA008037XXXXMB

DIVISION: AK

vs.

TONY L. FERNANDO; TRINH K. TRAN;
SAGES GARDEN LLC; HERBERT YAP;
CLAIRE P. YAP; et al
Defendants.

DECLARATORY JUDGMENT

THIS ACTION came before the Court upon the Plaintiffs' Motion for Final Judgment after Default as to Defendants, Tony L. Fernando, Trinh K. Tran, Catherine A. Villas, Robert Bongers, Liza Bongers, SDAWD Real Estate, LLC, Alicia Martinez, Marent Investments, LLC, Jose U. Paniagua, Sankar Toolsee and Khemrajie Toolsee, Trustees of the Sankar Toolsee and Khemrajie Toolsee Revocable Living Trust, dated 4/28/06, TSC Facility Services, Inc., Brittany Beaupied, Joseph Mangravito, Harloy Enterprises Inc., Kenneth Ning Yip, Lai Ahn Yip, Ka Nam Yip, Amy Sunarni Yip, Srikumar Tarasia, Sunita Tarasia, Kathy Cam Nguyen, Truman Troung, and Oscar Rojas Pro Dog Academy LLC. Upon defaults duly entered, the pleadings and documents filed herein, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that:

1. None of these defendants have filed any document in this case. Accordingly, notice of the Motion for Final Judgment after Default is not required pursuant to Rule 1.080 (a), Florida Rules of Civil Procedure, and Rule 2.516(a), Florida Rules of Judicial Administration.

2. All elements of this declaratory judgment action are admitted by the defaults, and final judgment can be entered without additional papers being filed or additional proceedings being undertaken. *Atlantic Coast Line Railroad Company v. Feagin*, 113 So. 89 (Fla. 1927), *Donohue v. Brightman*, 939 So.2d 1162 (Fla. 4th DCA 2006).

3. That the pleadings filed herein support the Motion for Final Judgment after Default as to the defendants named herein and establish:

A. Full compliance with the intent and procedures of Chapter 86, Declaratory Judgments, Laws of the State of Florida;

B. That on or about May 30, 1978, Plaintiff, Santa Rosa Groves, Inc., created a subdivision commonly known as Santa Rosa Groves as an unrecorded subdivision under the Palm Beach County platting and subdivision regulations by filing a Corrected Affidavit of Exemption recorded in Official Record Book 3078, page 1509, Public Records of Palm Beach County, Florida. The Corrected Affidavit depicts certain road, drainage, canal, and utility easements on

the Survey and Lot Layout drawing attached to it;

C. Plaintiff, Santa Rosa Groves, Inc., established the Common Area and Other Easements to run with the land within Santa Rosa Groves by virtue of the certain Declaration of Covenants and Restrictions recorded in Official Record Book 3152, page 1443, and the Amendment to the Declaration of Covenants and Restrictions recorded in Official Record Book 3461, page 77, Official Records of Palm Beach County, Florida (Declaration);

D. The Declaration declares that all of the properties in Santa Rosa Groves shall be held, sold, and conveyed subject to all of the stated easements, restrictions, covenants and conditions contained therein, which easements, restrictions, covenants and conditions shall run with the land;

E. Article 1, Section 3 of the Declaration defines the Common Area, and Article 3, Section 1 declares Other Easements, all of which are depicted on the Survey and Lot Layout drawing attached thereto;

F. The Common Area and Other Easements have been in use since their creation;

G. Plaintiff, Santa Rosa Home-Owners Association, Inc., is the owner and holder of the Common Area and Other Easements by virtue of the Corrective Deed from Santa Rosa Groves, Inc., to Santa Rosa Home-Owners Association, Inc. recorded in Official Record Book 31514, page 0506, Official Records of Palm Beach County, Florida;

H. The Common Area and Other Easements in the Declaration run with the land in the Santa Rosa Groves subdivision and all of the owners within said Santa Rosa Groves subdivision are subject to them, including the defendants whose names and respective Common Area and Other Easements are:

Tony L. Fernando

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 60 feet for Road purposes, of Lot 4, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Trinh K. Tran

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, the North 30 feet for Drainage purposes, and the South 60 feet for Road purposes, of the parcel of land in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of said Section 32, Township 42 South, Range 40 East, thence South 89°55'20" West along the South line of said Section 32, a distance of 1381.81 feet to the Point of Beginning, thence North 00°19'15" West a distance of 1508.19 feet to a point, thence South 89°54'00" West a distance of 365.0 feet to a point, thence South 00°19'15" East a distance of 1508.01 feet to a point, thence North 89°55'20" East along the South line of said Section 32 a distance of 365.0 feet to the Point of Beginning.

Catherine A. Villas

The East 30 feet for Drainage, Utility and Road purposes, the West 40 feet for Canal purposes, the East 50 feet of the West 90 feet for Road purposes, and the

North 30 feet for Drainage purposes, of Lot 17, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Robert Bongers and Liza Bongers

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 30 feet for Drainage purposes, of Lot 18, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

SDAWD Real Estate LLC

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 30 feet for Drainage purposes, of Lot 22, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Alicia Martinez

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 50 feet for Road and Drainage purposes, of Lot 33, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Marent Investments, LLC

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 50 feet for Road and Drainage purposes, of Lot 38, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 40 feet for Road purposes, of Lot 43, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Jose U. Paniagua

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 40 feet for Road purposes, of Lot 45, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Sankar Toolsee and Khemrajie Toolsee, Trustees of the Sankar Toolsee and Khemrajie Toolsee Revocable Living Trust, dated 4/28/06

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 40 feet for Road purposes, of Lot 48, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

TSC Facility Services, Inc.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 40 feet for Road purposes, of Lot 58, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 40 feet for Road purposes, of Lot 59, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 70 feet for Utility, Drainage and Road purposes, of Lot 82, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 80 feet for Road and Canal purposes, of Lot 90, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Brittany Beaupied and Joseph Mangravito

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 40 feet for Road purposes, of Lot 60, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Harloy Enterprises Inc.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the South 70 feet for Utility, Drainage and Road purposes, of Lot 79, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida

Kenneth Ning Yip, Lai Ahn Yip, Ka Nam Yip, and Amy Sunarni Yip

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 80 feet for Road and Canal purposes, of Lot 88, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 80 feet for Road and Canal purposes, of Lot 89, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Srikumar Tarasia and Sunita Tarasia

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 80 feet for Road and Canal purposes, of Lot 92, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Kathy Cam Nguyen and Truman Troung

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 80 feet for Road and Canal purposes, of Lot 95, Santa Rosa Groves, an unrecorded subdivision in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida.

Oscar Rojas Pro Dog Academy LLC

The East 30 feet and the West 30 feet for Drainage, Utility and Road purposes, and the North 30 feet for Drainage purposes, of the parcel of land in Section 32, Township 42 South, Range 40 East, Palm Beach County, Florida, being more particularly described as follows:

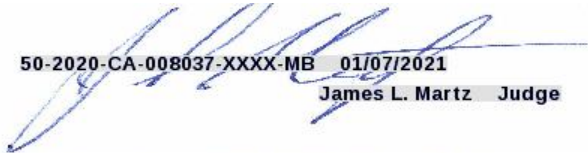
Commencing at the Southeast corner of Section 32, Township 42 South, Range 40 East, thence South 89°55'20" West, a distance of 1016.81 feet to a point, thence North 00°19'15" West a distance of 665.81 feet to the Point of Beginning, thence continue North 00°19'15" West a distance of 842.56 feet to a point, thence South 89°54'00" West a distance of 365.0 feet to a point, thence South 00°19'15" East a distance of 842.56 feet to a point, thence North 89°54'00" East distance of 365.0 feet to the Point of Beginning.

I. Santa Rosa Groves, Inc. had the legal authority to convey the Common Area and Other Easements to Santa Rosa Home-Owners Association, Inc.; and

J. Santa Rosa Home-Owners Association, Inc. has the legal authority to convey the Common Area and Other Easements to Indian Trail Improvement District.

4. The court reserves jurisdiction for supplemental relief to require any adverse party whose rights have been adjudicated by this declaratory judgment to show cause on reasonable notice, why further relief should not be granted forthwith.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this 7th day of January, 2021.


50-2020-CA-008037-XXXX-MB 01/07/2021
James L. Martz Judge

50-2020-CA-008037-XXXX-MB 01/07/2021
James L. Martz
Judge

Copy furnished:
Joseph Kuharcik, Esq., jkesq@bellsouth.net