

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR CITRUS COUNTY, STATE OF FLORIDA  
CIVIL DIVISION

ANTONIO MALAVE,

Plaintiff,

Case No. 16-CA-298

vs.

YAISANETTE GONZALEZ,

Defendant.  
\_\_\_\_\_ /

ANTONIO MALAVE,

Plaintiff/Counter-Defendant,

Case No. 16-CA-298

vs.

YAISANETTE GONZALEZ,

Defendant/Counter-Plaintiff.  
\_\_\_\_\_ /

YAISANETTE GONZALEZ,

Cross-Plaintiff,

vs.

ANTONIO MALAVE and  
JOSE MALAVE,

Cross-Defendants.  
\_\_\_\_\_ /

**FINAL SUMMARY JUDGMENT**

THIS CAUSE having come on before the Court on July 2, 2019 on Defendant/Cross-Plaintiff YAISANETTE GONZALEZ' Motion for Summary Judgment and this Court having taken note that Joseph R. Kalish, Esquire was present on behalf of said Defendant/Cross-Plaintiff, and Natalie Oven,

AUG 1 '19 2:20PM

Esquire being present telephonically on behalf of Plaintiff/Counter-Defendant, ANTONIO MALAVE, and JOSE MALAVE having failed to appear, and this Court having heard argument of counsel and having reviewed all pleadings and affidavits filed herein and being otherwise fully advised in the premises, the Court enters the following Findings of Fact and Order Granting Final Summary Judgment as follows:

**FINDINGS OF FACT**

1. That Defendant/Cross-Plaintiff YAISANETTE GONZALEZ' Affidavit in Support of Motion for Summary Final Judgment was filed with this Court on May 22, 2019, and her Motion for Final Summary Judgment was filed with this Court on May 10, 2019.
2. That the Notice of Hearing scheduling this hearing on Defendant/Cross-Plaintiff YAISANETTE GONZALEZ' Motion for Final Summary Judgment was filed with this Court on May 28, 2019 and said Notice of Hearing was served on all parties.
3. That Plaintiff/Counter-Defendants, ANTONIO MALAVE and JOSE MALAVE, have failed to respond to said motion or file any responsive affidavits in opposition thereto.
4. That JOSE MALAVE has been defaulted and therefor he has been deemed to have admitted all allegations in Defendant/Cross-Plaintiff YAISANETTE GONZALEZ' Complaint against him, and all allegations in Defendant/Cross-Plaintiff, YAISANETTE GONZALEZ' Motion for Summary Final Judgment. That ANTONIO MALAVE is deemed to have admitted all allegations in Defendant/Cross-Plaintiff YAISANETTE GONZALEZ' Motion for Summary Final Judgment by virtue of his failure to respond to same and by his failure to file an

Affidavit in Opposition to Defendant/Cross-Plaintiff YAISANETTE GONZALEZ'  
Motion for Summary Final Judgment referenced in Paragraph 1. above.

5. That based on the pleadings, affidavits and argument of counsel the Court orders as follows:

ORDERED AND ADJUDGED that a Final Summary Judgment is hereby GRANTED in favor of Defendant/Cross-Plaintiff, YAISANETTE GONZALEZ, against Plaintiff/Counter-Defendant, ANTONIO MALAVE, and Cross-Defendant, JOSE MALAVE, as to damages and other requests as set forth in YAISANETTE GONZALEZ' prayer for relief, and this Court therefor rules as follows:

1. That based on the previous Partial Summary Judgment on liability entered in this cause by the Honorable Patricia V. Thomas on July 18, 2018 and in furtherance of same, this Order shall operate as a deed of transfer in fee simple marketable title (subject only to matters described in Standard A in the Contracts For Sale of Real Estate Exhibits of the crossclaim and counterclaim of YAISANETTE GONZALEZ) of the below referenced real property and mobile home from ANTONIO MALAVE and JOSE MALAVE to YAISANETTE GONZALEZ upon payment by YAISANETTE GONZALEZ of the sum of \$39,581.00 to be paid as follows: \$12,500.00 is to be paid directly to JOSE MALAVE and \$27,081.00 is directed to be paid into the Registry of this Court. The real property and mobile home are described as follows:

Lot 2, Block H, of NEW MAYFIELD ACRES FIRST ADDITION, according to the map or plat thereof as recorded in Plat Book 2, Page 129, of the Public Records of Citrus County, Florida.

Together with 1985 King Custom Builders Mobile Home ID No. N65886521510LF  
Title No. 95756001

2. That the \$27,081.00 held in the Registry of the Court are to remain there pending resolution of attorney's fees and costs pending a hearing on YAISANETTE GONZALEZ' prayer for attorney's fees and costs, which she is entitled to and which will be determined at a hearing to be scheduled later.
3. That this Court reserves ruling on said attorney's fees and costs.

DONE AND ORDERED in chambers, at Inverness, Citrus County, Florida, this 21<sup>st</sup> day  
of July, 2019.

  
CAROL A. FALVEY  
Circuit Court Judge

Copies furnished to:

JOSEPH R. KALISH, P.A., 13153 N. Dale Mabry Highway, Suite 115, Tampa, FL 33618

JUSTIN INFURNA, ESQUIRE, [justin@infurnalaw.com](mailto:justin@infurnalaw.com), 121 S. Orange Avenue, Suite 1500, Orlando, FL 32801

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JOSE MALAVE, Mansiones Monte Verde, Buzon 106, Cayey, Puerto Rico 00736

Furnished by U.S. or

Electronic Mail

Pursuant to SC10-2101 this

9 day of Aug 20 19

By B. Mulder D.C.