

Filing # 137829951 E-Filed 11/03/2021 02:21:50 PM

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

WILMINGTON SAVINGS FUND SOCIETY, FSB,  
NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY  
IN ITS CAPACITY AS OWNER TRUSTEE OF MATAWIN  
VENTURES TRUST SERIES 2018-1,

Plaintiff,

vs.

CASE NO. 2017 CA 000184 A

KEITH JOSEPH CABRERA, VALERIE L. LYLES A/K/A  
VALORIE LYLES, MIKE FARR, MANUEL CABRERA,  
DARLENE CABRERA MCCOY, EILEEN CONWAY  
CABRERA, EDWARD JOSEPH CABRERA, HELEN  
HOLSOMBACH, SUSANNE GREENE, RANDY WRIGHT,  
DEBBIE BROWN A/K/A DEBRA J. BROWN, LORI HOOPER  
A/K/A LORI R. HOOPER A/K/A LORI LYNN HOOPER, SEAN  
EATON A/K/A SHAWN EATON, BRIAN HEINO AND CRAIG  
HEINO A/K/A DARYL CRAIG HEINO, if living, and all unknown  
parties claiming by, through, under or against the above named  
Defendants who are not known to be dead or alive, whether said  
unknown parties may claim an interest as spouses, heirs, devisees,  
grantees, assignees, lienors, creditors, trustees or other claimants,  
claiming by, through, under or against the said above-named  
Defendants; THE UNKNOWN HEIRS, BENEFICIARIES,  
DEVISEES, GRANTEES, ASSIGNEES, LIENORS,  
CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY  
CLAIM AN INTEREST IN THE ESTATE OF RONALD  
CABRERA, DECEASED; THE UNKNOWN HEIRS,  
BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES,  
LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO  
MAY CLAIM AN INTEREST IN THE ESTATE OF JOANN  
GAVIN, DECEASED; THE UNKNOWN HEIRS,  
BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES,  
LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO  
MAY CLAIM AN INTEREST IN THE ESTATE OF BEVERLY  
A. WIRKKALA, DECEASED; THE UNKNOWN HEIRS,  
BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES,  
LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO

MAY CLAIM AN INTEREST IN THE ESTATE OF DARYL HEINO A/K/A DARYL WAINO HEINO, DECEASED; THE UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF EDWARD CABRERA A/K/A EDWARD MANUEL CABRERA, DECEASED; THE UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF DAVID J. WIRKKALA, DECEASED; SUNTRUST BANK; CITRUS COUNTY, FLORIDA; ANGELA VICK, CLERK OF COURTS OF CITRUS COUNTY,

Defendant(s).

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**SUMMARY FINAL JUDGMENT**

This cause came on to be considered by the Court on November 2, 2021 upon Plaintiff's Motion for Summary Judgment as to Counts IV, V and VI of of Plaintiff's Second Amended Complaint and the Court having reviewed the court file, considered all evidence presented, heard argument of counsel and being otherwise fully advised in the premises, it is thereupon ADJUDGED AND ORDERED as follows:

1. Count IV of Plaintiff's Second Amended Complaint is an action to Quiet Title to certain real property to-wit:

Lots 16 and 17, Block 13, Garden Ranchettes Section of Homosassa Hills,  
Unit 2, according to the map or plat thereof as recorded in Plat Book 4,  
Page(s) 128, Public Records of Citrus County, Florida.

(the "Subject Real Property") pursuant to Chapter 65 and 95, Florida Statutes. Based upon the allegations set forth in Count V of the Plaintiff's Second Amended Complaint and supported by the uncontroverted affidavit of VALORIE L. LYLES ("LYLES") filed simultaneously with Plaintiff's Motion for Summary Judgment, LYLES, as the sole surviving tenant of the joint

tenancy with rights of survivorship, has satisfied the requirements for adverse possession under color of title and is the owner, in fee simple, of the Subject Real Property. The claims of the Defendants and all parties claiming by, through, under or against any of the Defendants hereto are forever cleared, confirmed and quieted in LYLES. LYLES has good, fee-simple title to the Subject Real Property cleared of any cloud which may have been created by any of the matters referenced in the Plaintiff's Complaint.

2. Count V of Plaintiff's Second Amended Complaint is an action to reform that certain Warranty Deed recorded in Official Records Book 1915, Page 1106, of the Public Records of Citrus County, Florida (the "Warranty Deed"). The Court finds, based upon the uncontroverted affidavit of LYLES filed simultaneously with Plaintiff's Motion for Summary Judgment, that the Warranty Deed was intended to create a joint tenancy with full rights of survivorship in the grantees. As such, the Warranty Deed is hereby reformed Florida, *nunc pro tunc* to the original date of said deed, to-wit: June 22, 2005 to reflect that the grantees took title as joint tenants with full rights of survivorship.


3. Count VI of Plaintiff's Second Amended Complaint is an action to reform the legal description contained in Plaintiff's Mortgage recorded in Official Records Book 2141, Page 2184, of the Public Records of Citrus County, Florida (the "Mortgage"). The Court finds, based upon the uncontroverted affidavit of LYLES filed simultaneously with Plaintiff's Motion for Summary Judgment (a) that the Mortgage contained an error in the Unit number. The correct Unit number is "Unit 2", whereas the Mortgage described "Unit 22". 9b) that "Garden Ranchettes Section" was omitted from the legal description; (c) that it was the intention of the parties to the Mortgage that the correct legal description would be included in the Mortgage; and (d) that it was only through mistake or inadvertence that the incorrect legal description was inserted in the Mortgage. As such,

the Mortgage is hereby reformed, *nunc pro tunc* to the date of the initial execution of the Plaintiff's Mortgage, to-wit: June 25, 2007, to reflect the correct legal description as follows:

Lots 16 and 17, Block 13, Garden Ranchettes Section of Homosassa Hills,  
Unit 2, according to the map or plat thereof as recorded in Plat Book 4,  
Page(s) 128, Public Records of Citrus County, Florida.

4. The Court reserves jurisdiction to enter such other and further relief as the Court may deem just and equitable under the circumstances.

Done and Ordered at Inverness, Citrus County, Florida on this 2 day of Nov,  
2021.

  
\_\_\_\_\_  
Circuit Judge

Copies furnished to:

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