

Refresh Funding, LLC, a Florida Limited  
Liability Company,  
Plaintiff,

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR MIAMI-DADE COUNTY,  
FLORIDA

CASE NO.: 2019-035778-CA-01

GENERAL JURISDICTION DIVISION

vs.

Bien- Aime's Family, LLC, a Florida Limited  
Liability Company; Philippe Ben-Aime;  
Unknown Tenant in Possession #1; Unknown  
Tenant in Possession #2,  
Defendant(s)

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**PLAINTIFF'S CORRECTED MOTION FOR ENTRY OF FINAL JUDGMENT OF  
MORTGAGE FORECLOSURE**

*(Refiled to correct date)*

Plaintiff, Refresh Funding, LLC, a Florida Limited Liability Company, by and through its undersigned counsel, hereby seeks the entry of a Final Judgment of Mortgage Foreclosure, and in support thereof, would state as follows:

1. On December 9, 2019, Plaintiff filed the instant Foreclosure action pursuant to the undisputed Default by the Borrowers, Bien-Aime Family, LLC, a Florida Limited Liability Company, and Phillippe Ben-Aime (hereinafter "Defendants").
2. Following service of process, the parties entered into a Court-Approved Forbearance Settlement Agreement on May 5, 2020.
3. Notwithstanding the foregoing, the Defendants have failed to bring the real estate taxes current and have otherwise failed to pay-off the loan that forms the basis of this action following maturity on February 2, 2021.

4. As such, the Plaintiff has the right to the entry of a Final judgment of Mortgage Foreclosure as per the terms of the Court approved settlement.
5. That as of the filing of the instant Motion, there has been no valid tender of the amounts due and owing to the Plaintiff.
6. That the instant Motion will be set for hearing contemporaneously with the filing of the Motion for purposes of liquidating the outstanding indebtedness owed to Plaintiff less an interim credit for any payments made.

WHEREFORE, the Plaintiff respectfully request that this Court enter a Final Judgment of Mortgage Foreclosure together with an immediate foreclosure sale setting, and for such further relief as this Court deems just and proper.

Dated this 2nd day of June, 2021.

/s/John L. Penson

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CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on June 2, 2021, I electronically filed the foregoing document with the Clerk of the Courts by using the Florida Courts E-Filing Portal (the "Portal") as required by Rule 2.516, Florida Rules of Judicial Administration (the "Rule"). **I hereby further verify** that the Portal uses the names and e-mail addresses provided by the parties pursuant to subdivision (b)(1)(A) of the Rule, and will serve the foregoing document on each party by e-mail in compliance with the Rule as follows:

**Philippe Bien-Aime**

70 NE 134<sup>th</sup> Street  
North Miami, FL 33161

**The Bien-Aime's Family LLC**

c/o Philippe Bien-Aime, as Registered Agent  
70 NE 134<sup>th</sup> Street  
North Miami, FL 33161

*/s/ John L. Penson*

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John L. Penson, Esquire