

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION

CAPTAIN'S PARADISE CONDOMINIUM, INC., A FLORIDA
NOT FOR PROFIT CORPORATION,

PLAINTIFF,

V.

CASE NO. CACE-24-004632

ROGER BARRY DAVIS, ET AL.,

DEFENDANTS.

**PLAINTIFF'S MOTION TO RESCHEDULE FORECLOSURE SALE AND MOTION TO
DISBURSE THIRD PARTY BIDDER'S DEPOSIT TO PLAINTIFF**

Plaintiff, Captain's Paradise Condominium, Inc. (the "Association"), a Florida not for profit corporation, moves this Honorable Court for an Order Rescheduling Foreclosure Sale, and in support hereof states:

1. On or about January 11, 2025, the Court entered a Final Judgment of Foreclosure and issued a Notice of Sale for March 5, 2025.

2. The foreclosure sale on March 5, 2025 did not take place as Defendant Barry Davis filed a Suggestion of Bankruptcy on or about March 4, 2025 (Case No. 25-12367).

3. On March 28, 2025, Plaintiff filed a Motion to Reschedule Foreclosure Sale as Defendant, Roger Barry Davis' bankruptcy was dismissed on March 24, 2025.

4. On May 1, 2025, an order was entered granting Plaintiff's Motion to Reschedule Foreclosure Sale and setting a new foreclosure sale for June 5, 2025.

5. The Clerk of the Court conducted the foreclosure sale on June 5, 2025 and a third-party bidder placed the highest bid.

6. The third-party bidder posted the (5%) deposit in the amount of \$16,060.00 but failed to tender the remaining bid amount.

7. Section 45.031(3), Florida Statutes, states in part, "[i]f final payment is not made within
C29860/414909/26942913.v1

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the prescribed period, the clerk shall readvertise the sale as provided in this section and pay all costs of the sale from the deposit. Any remaining funds shall be applied toward the judgment."

8. Consequently, after payment of all applicable Clerk's fees, the remaining deposit should be disbursed to the Plaintiff to be applied against the Association's judgment.

9. Further, the foreclosure sale should be rescheduled for the earliest possible date.

WHEREFORE, Plaintiff, Captain's Paradise Condominium, Inc., respectfully requests that the Court enter an Order re-scheduling the foreclosure sale and an Order directing the Clerk of Court to disburse the third-party bidder's forfeited deposit in the amount of \$16,060.00 minus any applicable Clerk's fees, and for any other relief deemed appropriate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing was served by first class United States mail or e-mail to Roger Barry Davis, 136 Golden Isles Drive, Apt. 202, Hallandale, FL 33009-8826, rogerlaw1@aol.com and Adam Supraski, Esq., Attorney for Louis A. Supraski, c/o Louis A. Supraski, P.A., 16666 N.E. 19th Avenue, Suite 113, Miami, FL 33162, asupraski@supraskilaw.com; supraski@supraskilaw.com , on this 10th day of June, 2025.

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BY: _____



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