

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NO.: 2019 CA 000803

TWO COMMERCE LLC, a Florida limited
liability company,

Plaintiff,

v.

PALM COAST DATA LLC, a Delaware
limited liability company; STUDIO
MEMBERSHIP SERVICES, LLC, a Delaware
limited liability company; MEDIA DATA
RESOURCES, LLC, a Delaware limited
liability company; and FULCIRCLE MEDIA,
LLC, a Delaware limited liability company,

Defendants.

**JOINT STIPULATION FOR FINAL JUDGMENT
FOR POSSESSION AND EVICTION**

Plaintiff Two Commerce LLC (“**Plaintiff**”) and Defendant Palm Coast Data LLC (“**Defendant**,” together with Plaintiff, the “**Parties**”) file this Joint Stipulation for Final Judgment for Possession and Eviction (“**Joint Stipulation**”), and state as follows:

1. Plaintiff brought this action against Defendant for, among other things, (i) (Count 1) eviction of Defendant from the leased premises and property (“**Premises**”), which are the subject of the lease at issue (“**Lease**”) in the Complaint, and (ii) (Count 2) damages against Defendant for breach of the Lease.

2. The Parties have resolved their disputes, by, among other things, entering into an Amendment to the Lease which amends the termination date of the Lease to August 15, 2020. The Parties have agreed that in the event Defendant does not surrender possession of the Premises on or before August 15, 2020, then Defendant shall be evicted and removed from the Premises without further litigation.

3. The Parties agree to the immediate entry of the Stipulated Final Judgment for Possession and Eviction (“**Eviction Judgment**”) attached hereto as **Exhibit 1**.

4. Defendant stipulates to and waives any defense to entry of the Eviction Judgment.

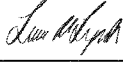
5. Each of the Parties, by signing below, authorizes their counsel to file this Joint Stipulation and stipulate to:

- a. the immediate entry of the Eviction Judgment;
- b. the dismissal of Count II of this matter, with prejudice (except that the Parties agree damages, rights and other remedies accruing under the Lease between the Parties after the date of this Joint Stipulation shall not be impacted by or released as a result of this Stipulation or dismissal); and
- c. this Court retaining jurisdiction over this action to enforce compliance with the terms of this Joint Stipulation and the Eviction Judgment.

TWO COMMERCE LLC	PALM COAST DATA LLC
By: <u>Christopher V. Vitale</u>	By: _____
Name: <u>Christopher V. Vitale</u>	Name: _____
Title: <u>President</u>	Title: _____
Date: <u>May 18, 2020</u>	Date: _____

5. Each of the Parties, by signing below, authorizes their counsel to file this Joint Stipulation and stipulate to:

- a. the immediate entry of the Eviction Judgment;
- b. the dismissal of Count II of this matter, with prejudice (except that the Parties agree damages, rights and other remedies accruing under the Lease between the Parties after the date of this Joint Stipulation shall not be impacted by or released as a result of this Stipulation or dismissal); and
- c. this Court retaining jurisdiction over this action to enforce compliance with the terms of this Joint Stipulation and the Eviction Judgment.

TWO COMMERCE LLC	PALM COAST DATA LLC
By: _____	By: <u></u>
Name: _____	Name: <u>Liam Lynch</u>
Title: _____	Title: <u>Managing Member</u>
Date: _____	Date: <u>May 17, 2020</u>

Respectfully submitted,

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By: /s/ Richard D. Shane
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Counsel for Plaintiff
Two Commerce LLC

By: /s/ Michael I. Kean
Michael I. Kean, Esq.
Florida Bar No.: 970750
mkean@lorenkeanlaw.com
Counsel for Defendant
Palm Coast Data LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Florida Courts E-Filing Portal on this 18th day of May, 2020 upon:

DUANE MORRIS LLP
Michael J. Shuman, Esq.
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Richard D. Shane, Esq.
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201 South Biscayne Boulevard, Suite 3400
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Counsel for Plaintiff
Two Commerce LLC

LOREN & KEAN LAW
Michael I. Kean, Esq.
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Counsel for Defendant
Palm Coast Data LLC

By: /s/ Richard D. Shane

Exhibit 1

IN THE CIRCUIT COURT OF THE
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liability company; and FULCIRCLE MEDIA,
LLC, a Delaware limited liability company,

Defendants.

STIPULATED FINAL JUDGMENT FOR POSSESSION AND EVICTION

THIS CAUSE is before the Court on Plaintiff Two Commerce LLC (“**Plaintiff**”) and Defendant Palm Coast Data LLC’s (“**Defendant**,” together with Plaintiff, the “**Parties**”) “Joint Stipulation for Final Judgment for Possession and Eviction (the “**Joint Stipulation**”), pursuant to which the Parties agree to the entry of this “Stipulated Final Judgment for Possession and Eviction (the “**Stipulated Eviction Judgment**”) in favor of Plaintiff and against Defendant. The Court having reviewed the Record, being advised of the Parties’ agreement in the Joint Stipulation, and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED AS FOLLOWS:

1. This Stipulated Eviction Judgment is entered in favor of Plaintiff and against Defendant as to Count 1 of Plaintiff’s Complaint (for Tenant Eviction) without further notice or hearing thereon, pursuant to the Joint Stipulation between the Parties.

2. Pursuant to the agreement of the Parties, the Defendant may continue to occupy the Premises until August 15, 2020. The Defendant shall fully and finally vacate the Premises on or before August 15, 2020.

3. The Clerk of the Court shall forthwith issue a Writ of Possession to Plaintiff, in the form attached as Exhibit “A.”

4. The Sheriff is authorized to serve the Writ of Possession at any time after August 15, 2020.

5. The Court has jurisdiction over the Parties and the subject matter of this action, and the Court retains jurisdiction to enforce the Joint Stipulation and this Stipulated Eviction Judgment.

DONE AND ORDERED in Bunnell, Flagler County, Florida this ____ day of _____, 2020.

HON. TERENCE PERKINS
CIRCUIT COURT JUDGE

Copies furnished to:

Michael J. Shuman, Esq.
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Richard D. Shane, Esq.
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DUANE MORRIS LLP
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Attorneys for Plaintiff Two Commerce LLC

Michael I. Kean, Esq.
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LOREN & KEAN LAW
7111 Fairway Drive, Suite 302
Palm Beach Gardens, FL 33418
Attorneys for Defendant Palm Coast Data LLC

Exhibit A

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RESOURCES, LLC, a Delaware limited
liability company; and FULCIRCLE MEDIA,
LLC, a Delaware limited liability company,

Defendants.

_____ /

WRIT OF POSSESSION

THE STATE OF FLORIDA:

To the Sheriff of Flagler County, Florida

YOU ARE COMMANDED to remove all persons from the following described non-
residential property in Flagler County, Florida:

Palm Coast Data LLC
2 Commerce Boulevard
Palm Coast, Florida 32164 (“Premises”)

and put Plaintiff, TWO COMMERCE LLC, in possession of it, on or after August 16, 2020.

Dated this _____ day of _____, 2020.

**NOTE TO SHERIFF: THIS IS A COMMERCIAL PROPERTY,
DO NOT POST 24 HOUR NOTICE.**

Clerk of the Court

By _____
Deputy Clerk