Filing # 165852838 E-Filed 01/31/2023 04:27:01 PM

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

GENERAL JURISDICTION
CASE NO:

BLANCA MENDEZ,

Plaintiff,

v.

AILIN DE LOS ANGELES FERNANDEZ,

Defendant.

_____/

COMPLAINT

Plaintiff, BLANCA MENDEZ, sues Defendant, AILIN DE LOS ANGELES FERNANDEZ, and states as follows:

1. This is an action seeking recission of a forged deed, to quiet title and in the alternative, for Adverse Possession, involving real property valued in excess of $50,000.00, and otherwise within the court's jurisdiction.
2. Plaintiff is a native of Columbia, over the age of majority, who has an owned and maintained a residential property in Miami-Dade County Florida since January 21, 2003.
3. Defendant is a resident of Miami-Dade County Florida, over the age of majority, and otherwise *sui juris*.
4. The property at issue herein is located in Miami-Dade County Florida, otherwise described as: [redacted], [redacted], Parcel Identification Number [redacted] (the "Property").
5. All acts giving rise to this cause of action occurred in Miami-Dade County Florida.
6. All conditions precedent to this action have been satisfied, waived or have occurred.

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GENERAL ALLEGATIONS

7. Plaintiff acquired title to the Property on January 21, 2003, via a Warranty Deed from the prior owner, Johnny Mack Eaker. See Exhibit A.
8. The Warranty Deed was recorded in the public records of Miami-Dade County at ORB 20993 Page 4094, on February 3, 2003. See Exhibit A.
9. From January 21, 2003 through 2022, Plaintiff has been in continuous possession of the Property, paid all real estate taxes, utility charges, including water, telephone and electricity, received her mail, and has otherwise maintained and possessed the Property with all attributes of ownership.
10. On November 14, 2022, Defendant recorded an instrument denominated "Warranty Deed", dated as of July 17, 2006, purportedly transferring title of the Property from Plaintiff, Blanca Mendez, to "Francisco Nelson Fernandez and Daughter's Ailin De Los Angeles Fernandez". The document is recorded in the public records of Miami-Dade County Florida in ORB 33465, Page 2225. See Exhibit B.
11. The Plaintiff denies signing or authorizing anyone to sign Exhibit B; the signature on the document bearing her name is a forgery.
12. Upon information and belief, Francisco Nelson Fernandez passed away on or about July 24, 2006, or more than 16 years before Defendant recorded Exhibit B. See Exhibit C.
13. All conditions precedent to the bringing of this action have occurred, been satisfied or waived.

Count I-Rescission

Plaintiff reasserts allegations 1 thru 13 above and further states as follows:

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-----Original Message-----
From: Martha Millon <[redacted]>
To: Luz Millon <[redacted]>
Sent: Fri, Jan 20, 2023 2:52 pm
Subject: Fwd: Warrantee Deed for Mendez and Nelson Fernandez and daughter

---------- Forwarded message ---------
From: **Stacey Roman** <sroman@legaltitleservices.com>
Date: Tue, Jan 10, 2023 at 5:28 PM
Subject: RE: Warrantee Deed for Mendez and Nelson Fernandez and daughter
To: Martha Millon <[redacted]>

Hello Martha;

I have reviewed the attached deed and our office did not prepare this deed.

This is obviously a fraudulent deed and someone put our office information on it.

Stacey Roman, V.P.
Real Estate Paralegal
Legal Title Services
9560 S.W. 107 Avenue #202
Miami, Florida 33176
Ph. (305) 670-4450
Fax (305) 670-0016

The Fund
MEMBER

From: Martha Millon <[redacted]>
Sent: Tuesday, January 10, 2023 2:35 PM
To: Stacey Roman <sroman@legaltitleservices.com>
Subject: Re: Warrantee Deed for Mendez and Nelson Fernandez and daughter

Here is the attachment.

Sorry about that.

Martha Millon
Sales Associate
[redacted]

EXHIBIT "C"

Alias.'" That power of attorney lists Guillermo Forn as a witness. Mr. Forn also appears as a witness on two of the three wills allegedly executed by Francisco Nelson Fernandez on July 17, 2006.

D. **October–November 2022: The Sixteen-Year-Old Deed Surfaces**

12. On October 25, 2022, Mr. Simon wrote to DKC: "In regards to the [redacted] property, Ailin doesn't own this one. Please see attached the warranty deed. Blanca Mendez is in title. Who is this person?" DKC's Director of Marketing and Administration, Enrique Bello, replied: "That is Ailin's step mother. Ailin has all the documents to show proof of transfer of title." (Simon Dep. II 53:8–54:14.)

13. That representation was false. The Defendant's own sworn probate petition identifies her father's spouse as Gudelia Fernandez. Ms. Mendez is no relation to the Defendant or her father, and no one ever confirmed the "stepmother" claim. (Simon Dep. II 54:10–14.)

14. LawDepot's records explain what followed. At 8:26 p.m. on October 5, 2022, a LawDepot trial subscription was opened under the Defendant's email address, [redacted], and paid through a PayPal account in the name "Ailin de los Angeles." The same night, the account's answer data for a LawDepot Warranty Deed was last edited, naming the grantor as "BLANCA MENDEZ." Collins Dep. 17:8–21; 19:9–21:24; 23:2–9.) LawDepot's records custodian does not contend that the recorded instrument was itself printed from that template (Collins Dep. 51:10–52:21), and Plaintiff does not either. The point is simpler: a person already holding a genuine 2006 deed from Blanca Mendez has no reason to draft a new one in October 2022.

15. On November 8, 2022, the Defendant emailed the title agent and DKC's Mr. Bello a "LAST WILL AND TESTAMENT FROM MY FATHER" and a "WARRANTY DEED FROM

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had no assets in Florida when she died, was not a citizen or resident at death and the court has no subject matter jurisdiction." (Simon Dep. I 22:1–10.)

29. Ms. Mendez did not die. She will testify. No one probated her estate, because there is none. Instead, on December 29, 2022, the Defendant filed a sworn Petition for Summary Administration in her father's estate, sixteen years after his death, listing herself as the only living beneficiary, swearing she was "unaware of any unrevoked Will or Codicil of the Decedent, other than the aforementioned Last Will," and asking that 100% of the Property be distributed to her. The probate court entered an Order of Summary Administration the next day, on a waiver, without notice to Ms. Mendez.

G. **The "2006" Wills Were Written on LawDepot in 2022**

30. Two materially different instruments, each purporting to be Francisco Nelson Fernandez's last will dated July 17, 2006, were filed in the probate case. Both bear the printed footer "© 2002–2022 LawDepot.com."

31. LawDepot's records custodian, Alan Collins, testified that the copyright footer updates automatically to the year in which a document is generated; that the customer's answer data reflects an execution date of 2006-07-17 entered through an unvalidated date field; that the will answers were last modified on November 8, 2022, the same day the Defendant emailed "my father's will" to the title agent; and that "whoever drafted the document did so in 2022 and backdated the date to 2006." (Collins Dep. 9:20–13:10; 29:17–33:14) The customer-typed answer data reads: "My Investment property at [redacted] to be transferred to my daughter's name Ailin D Fernandez."

32. The second will goes further. It recites a "Mortgage Agreement I made with Mrs. Blanca A Mendez who accepted the payment and the properties in Colombia … in exchange for

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this property," names six children, and withholds disposition rights from "my daughter Ailin De Los Angeles Fernandez" until a first mortgage is satisfied. The will the Defendant offered for probate omits every reference to Ms. Mendez and every condition.

33. After this action was filed, the Defendant's probate counsel told the probate court that the second will "differs from the Probated Will and arguably maybe an altered copy," and asked the court to undo the distribution and revert title to "50% Movant and 50% Decedent—as it has been since 2006," the opposite of the 100% distribution she had sworn to three months earlier. The probate court twice declined to act and deferred to this Court.

H. **DKC Closed With Its Eyes Open**

34. On December 2, 2022, the broker through whom DKC originated the loan wrote to the Defendant, copying DKC's Mr. Bello and the title agent: "You don't make the rules, you broke them all … I am canceling all dealings with you for many [r]easons. Richard please cancel all transactions with Ailin until advised otherwise." (Simon Dep. I 31:15–32:11.)

35. On January 10, 2023, eleven days after the summary-administration order, DKC closed an $850,000 loan to Angel's News secured solely by the Property, funding $500,000 with a $350,000 holdback. The Defendant signed through a mobile notary rather than at the title agent's office. (Simon Dep. I 12:12–13:16; Simon Dep. II 77:15–21.)

36. The HUD-1 settlement statement reflects that DKC's loan proceeds paid, among other things, $25,487.61 to Florida Trust & Estate Counsel, PLLC, the Defendant's probate counsel; a $17,000.00 referral fee to HML Investments, the broker's company; and $206,000.00 to "Health Top Travel USA LLC/DBA Top Vacations." No disbursement paid any mortgage or lien given by Ms. Mendez. (Pl. Ex. 28, HUD-1 at 1–2.)

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

Blanca Mendez, Consolidated Case No.: 2023-001645-CA-01
Plaintiff,
v.
Ailin De Los Angeles Fernandez,
Defendant.

Defendants Ailin de los Angeles Fernandez and Angel's News LLC's Proposed Findings of **Fact and Conclusions of Law**

I. Findings of Fact

A. The Property and the July 17, 2006 Warranty Deed

1. This action concerns real property located at [redacted], Miami-Dade County, Florida (the "Property").

With all my respect, your Honor,

I am taking the liberty of submitting to you this evidence regarding my case—evidence that I was not permitted to present or explain during my defense. The questions posed to me were highly directed, and my responses were restricted;

I tried to contact my lawyer, but I believe he is out of the country, and he has not responded to me. I personally provided all these documents and sent them to his secretary, but for some reason, my lawyer could not locate them during the court hearing. Furthermore, on October 29, 2026, the last day we were in court—the storage device for his laptop was taken. I tried to help him look for it, but it could not be found. He said, "Someone took it," but he chose not to make an issue of it out of respect and to avoid upsetting the Judge, He said. I feel very frustrated because I never had the opportunity to speak or explain anything—despite my right to freedom of expression—as I was constantly interrupted whenever I attempted to provide an explanation, I was reprimanded, or Mr. Minski would raise an "objection" specifically to prevent you from hearing what I needed to say. I felt deeply frustrated and powerless. I am incredibly grateful to my excellent attorney—who, even though I cannot afford the fees he truly deserves, took a genuine interest in defending me at the request of a mutual friend who has known me for years and was also acquainted with my father. The evidence I have

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attached here was, in fact, sent to his secretary throughout this waiting period, yet it was never presented. I do not understand why, but I believe it is only fair that I be allowed to show you the truth and exercise my right to a proper defense. I want you to be fully informed, equipped with the necessary and factual arguments to reach a clearer determination and ensure that justice is served.

1- Mr. Minski intimidated all my witnesses before they testified, and he attempted to do the same for me. All my witnesses, including the Notary, recounted the same facts, even though they do not know one another. He threatened to report Martin to ICE; he told the Notary that it was already "proven" to be fraud, when in fact nothing has been proven and still, He intimidated her that She could be implicated; and he used similar tactics with Dantes Forn.

2- This explains why some witnesses claimed they could not recall details they had previously stated under oath when they testified during the probate proceedings. The one positive aspect is that you recognized that I did NOT coach any of them, I did not even suggest it. I simply trusted that they would repeat what they had already stated under oath.

3- Nevertheless, despite being intimidated, every one of them acknowledged that the signatures were theirs. This demonstrates that those documents—specifically the only one I filed, "the deed"—were legitimate ...and accepted by the Court—as my attorney clearly explained, using the proper legal terminology, during my defense in court (see Findings of Fact and Conclusions of Law).

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[redacted]





Ref. The hard work I have done

I created this, in part, to manage an Airbnb listing while I was finishing my project; but today, Airbnb is my only way to support my youngest son, who is on his own in Colombia with no other support or income—save for the commission he earns by helping me with bookings. He stands out for his excellent upbringing and his great ability to look after guests; he is an "old-school" type of person—very serious, honest, and responsible.

Thanks to the fact that he is always on top of managing the bookings, our calendar is fully booked through next year.

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

CASE NO.: F26022686
SECTION: F010
JUDGE: CARLOS HUMBERTO GAMEZ

THE STATE OF FLORIDA
Plaintiff,

v.

AILIN DE LOS ANGELES FERNANDEZ
Defendant.
_____/

ACKNOWLEDGMENT OF APPOINTMENT, WRITTEN PLEA OF NOT GUILTY, NOTICE OF DISCOVERY, AND DEMAND FOR JURY TRIAL

COMES NOW, Carlos J. Martinez, Public Defender, and hereby accepts the appointment to represent the defendant on the assumption that the following legal requirement of section 27.52, Florida Statutes has been or will be met:

1. An Affidavit of Indigent Status is filed with the Clerk of Court, the Clerk complies with the requirements of section 27.52, Florida Statutes, and the Clerk determines that the defendant is eligible to receive the services of the Public Defender; or the Court determines that the defendant is unable to hire an attorney without a substantial hardship to his or her family.

2. The Clerk imposes the $50 Public Defender application fee, and, pursuant to section 938.29, Florida Statutes, in the event of a conviction for a criminal act or a violation of probation or community control, the court imposes at least the minimum statutory ATTORNEY'S FEE/COSTS OF $100.

In addition, the Defendant, through undersigned counsel, hereby:

3. Files this Written Plea of Not Guilty pursuant to Florida Rule of Criminal Procedure 3.160(a) and thereby waives arraignment, and waives the defendant's presence at the arraignment pursuant to Florida Rule of Criminal Procedure 3.180(a)(2).

4. Elects to participate in the discovery process as provided pursuant to Florida Rule of Criminal Procedure 3.220 by filing with the court and serving on the prosecuting attorney this Notice of Discovery. The Defendant also demands that the prosecuting attorney disclose and

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provide any information or evidence within the state's possession, control, or knowledge which tends to negate the guilt of the Defendant in the above-styled cause; and

5. Demands a trial by jury.

The defendant is scheduled to be arraigned on .

I CERTIFY that a copy of this Acknowledgment of Appointment, Written Plea of Not Guilty, Notice Of Discovery, and Demand For Jury Trial has been eServed and/or hand-delivered upon the Office of the State Attorney, 1350 NW 12th Avenue, Miami, Florida 33136 on November 20, 2026.

Respectfully submitted,

Carlos J. Martinez
Public Defender
Eleventh Judicial Circuit of Florida
1320 NW 14th Street
Miami, Florida 33125
305.545.1600
eService email: FelonyService@pdmiami.com

/s/ Rebecca Coury
Assistant Public Defender
Florida Bar No.: 767603
Attorney for Defendant

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