

21ST MORTGAGE CORPORATION,

Plaintiff,

vs.

Case No: 15-CA-1170

MARY JEAN ZISKA
UNKNOWN SPOUSE OF MARY JEAN ZISKA
CYPRESS COVE AT PELICAN STRAND CONDOMINIUM
ASSOCIATION, INC., THE STRAND MASTER
PROPERTY OWNERS ASSOCIATION, INC., THE CLUB
AT THE STRAND, L.C., UNKNOWN TENANT IN POSSESSION 1
UNKNOWN TENANT IN POSSESSION 2,

Defendants

**ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANT**
(Upon Report and Recommendations of Magistrate)

THIS CAUSE came before the Court upon the Report and Recommendations of the Magistrate entered on the 26 day of OCT, 2016, and

Exceptions were waived by the parties, or

No timely exceptions were filed,

the Court hereby approves and adopts the findings and recommendations, and upon the foregoing, it is:

ORDERED AND ADJUDGED:

1. The Motion is:

GRANTED.

DENIED.

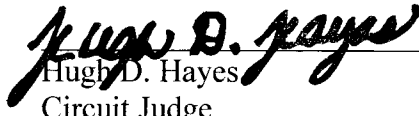
GRANTED IN PART as set forth below.

DENIED IN PART as set forth below.

- 2. Linda K. Yerger, Esq. and Yerger | Tyler, P.A. are hereby withdrawn as counsel of record for Defendant Ziska.
- 3. Neither Linda K. Yerger, Esq. nor Yerger | Tyler, P.A. shall have any further duties to Defendant Ziska in this matter.
- 4. Service of documents and papers shall now be made upon Defendant Mary Jean Ziska at the following address:

Mary Jean Ziska
c/o Marion Gregory, Guardian
9202 Vanderbilt Dr
Naples, FL 34108

DONE AND ORDERED in Chambers, Naples, Florida this 16 day of November, 2016.



Hugh D. Hayes
Circuit Judge

cc:

Linda K. Yerger, Esq., documents@yergertyler.com; linda@yergertyler.com

Nicole P. Planell, Esq., servicecopies@qpwbllaw.com; Nicole.planell@qpwbllaw.com

Mary Jean Ziska, c/o Marion Gregory, Guardian, 9202 Vanderbilt Dr, Naples, FL 34108

ORIGINAL

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA **CIVIL ACTION**

21ST MORTGAGE CORPORATION,

Plaintiff,

vs.

Case Number: 15-CA-1170

MARY JEAN ZISKA
UNKNOWN SPOUSE OF MARY JEAN ZISKA
CYPRESS COVE AT PELICAN STRAND CONDOMINIUM
ASSOCIATION, INC., THE STRAND MASTER
PROPERTY OWNERS ASSOCIATION, INC., THE CLUB
AT THE STRAND, L.C., UNKNOWN TENANT IN POSSESSION 1
UNKNOWN TENANT IN POSSESSION 2,

Defendants.

**RECOMMENDED ORDER GRANTING
DEFENDANT'S MOTION TO WITHDRAW**

ATTENDANCE:

<input type="checkbox"/>	Plaintiff	<input checked="" type="checkbox"/>	Attorney for Plaintiff
<input checked="" type="checkbox"/>	Defendant	<input checked="" type="checkbox"/>	Attorney for Defendant
<input checked="" type="checkbox"/>	Court Reporter ECR		Clerk of Court

This cause has come on to be heard before Magistrate David C. Friedman on **October 25, 2016**, pursuant to the Defendant's **Motion to Withdraw as Counsel of Record for Defendant**. The Magistrate has jurisdiction pursuant to the Florida Rules of Civil Procedure, 1.490, *et seq.* The Court finds that an Order of Referral for the matters heard by the Magistrate was served upon the parties and that no party made a timely objection to the referral. This Court being otherwise advised, the following Findings of Fact and Conclusions of Law are made:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Linda K. Yerger, Esq. and Yerger | Tyler, P.A. currently represent Defendant Mary Jean Ziska.
2. An irreparable rift has formed between the client, and Ms. Yerger, the attorney, which precludes further representation by Ms. Yerger or Yerger | Tyler, P.A.

3. Ms. Ziska and her guardian no longer wish for Ms. Yerger or Yerger | Tyler, P.A. to represent her in this matter and vice versa.

RECOMMENDED ORDER OF THE MAGISTRATE

Based upon the above-stated Findings of Fact and Conclusions of Law, the Magistrate submits the following Recommended Order for the approval of the Court:

- A. Linda K. Yerger, Esq. and Yerger | Tyler, P.A. are hereby withdrawn as counsel of record for Defendant Ziska.
- B. Neither Linda K. Yerger, Esq. nor Yerger | Tyler, P.A. shall have any further duties to Defendant Ziska in this matter.
- C. Service of documents and papers shall now be made upon Defendant Mary Jean Ziska at the following address:

Mary Jean Ziska
c/o Marion Gregory, Guardian
9202 Vanderbilt Dr
Naples, FL 34108

PLEASE READ CAREFULLY (Language in Bold is Required by Fla. R. Civ. P. 1.490):

IF YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH FLORIDA RULE OF CIVIL PROCEDURE 1.490(i). YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.

The hearing before the Magistrate was electronically recorded by the Court. A party may request an electronic certified copy of the proceeding on CD, at that party's expense, and may then have the recording transcribed, at that party's expense. Providing the Court with a copy of the CD, instead of a certified written transcript, is insufficient for review by the Court of exceptions. Media request forms, procedures, and fees, and a list of approved Transcriptionists are available on the Court's website, www.ca.cjis20.org, or by calling the Court's Electronic Court Reporting Department at 239-533-8207. However, if the below box is checked, one of the parties elected to retain, at that party's own expense, a live Court Reporter who was present for the purpose of creating the

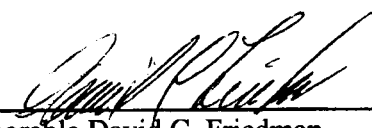
official record of the proceeding. Accordingly, any request for a transcript of the proceeding must be submitted to that Court Reporter.

- A live Court Reporter created the official record of the proceeding, and that Court Reporter's name and address is as follows:

All parties have **NOT** waived the ten day period in which to file exceptions to the Report and Recommendations of the General Magistrate.

Dated: October 26, 2016.

BY: _____


Honorable David C. Friedman
Magistrate, Twentieth Judicial Circuit

cc:

Linda K. Yerger, Esq., documents@yergertyler.com; linda@yergertyler.com

Nicole P. Planell, Esq., servicecopies@qpwbllaw.com; Nicole.planell@qpwbllaw.com

✓ Mary Jean Ziska, c/o Marion Gregory, Guardian, 9202 Vanderbilt Dr, Naples, FL 34108

JL
11/17/16