

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

CASE NO: 2019-001769-CA-01

SECTION: CA25

JUDGE: Valerie R. Manno Schurr

James N Glover, Jr.

Plaintiff(s)

vs.

Power Yachts Intl, LLC et al

Defendant(s)

**FINAL ORDER ON REPLEVIN GRANTING PLAINTIFF'S RENEWED MOTION FOR
SUMMARY JUDGMENT AS TO COUNT I REPLEVIN OF THE AMENDED
COMPLAINT**

On December 14, 2021, this Court issued an Order granting Plaintiff's Renewed Motion for Summary Judgment as to Count I Replevin of the Amended Complaint as against Defendants Francisco Vasallo and Maribel Vasallo ("Vasallos"). On December 27, 2021, the Vasallos filed a Motion for Re-hearing. On March 3, 2022 and continued on March 4, 2022, this Court held a re-hearing, and the Court, after considering all the summary judgment materials, including the evidence and having heard oral arguments, and being fully advised therein, does hereby:

ORDER AND ADJUDGE as follows:

1. The Court will not disturb its December 14, 2021 Order granting Plaintiff's Motion for Summary Judgment as to Replevin against the Vasallos;
2. The Vasallos have not supplemented their position with any case law that

changes the Court's opinion as reflected in the December 14, 2021 Order;

3. This case is distinguished from each case relied upon by the Vasallos;
4. The Court opines that the holding in *Tumbull Chevrolet Sales Co v. Seawright*, 134 So. 2d 829 (Fla. 1st DCA 1961), applies to the instant matter.
5. Title never passed from Plaintiff to the Vasallo Defendants.
6. No vessel statute existed before 2016.
7. The vessel shall remain in the possession of the Plaintiff secured in its present location in Broward County for thirty days from the date of this Order. Upon the placement of a bond by the Vasallo defendants in an amount to be determined by the Court at a bond hearing and the filing of a notice of appeal of this Final Order on Replevin by the Vasallo defendants, the vessel shall remain secured in its present location in Broward County pending the outcome of the appeal. Vasallo defendants shall coordinate with the facility to schedule inspections and give at least 24 hour advanced written notice to Plaintiff of any scheduled inspections.
8. The Court has scheduled the bond hearing for May 27, 2022 at 11 a.m.
9. Plaintiffs shall provide access to the Vasallo defendants, their contractors and representatives to inspect and appraise the vessel in advance of the bond hearing, from May 13, 2022 forward. Vasallo defendants shall coordinate with the facility to schedule inspections and give at least 24 hour advanced written notice to Plaintiff of any scheduled inspections.
10. The Court reserves jurisdiction to award Plaintiff his reasonable attorneys' fees and costs incurred from this action.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 12th day of May, 2022.

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2019-001769-CA-01 05-12-2022 12:22 PM

Hon. Valerie R. Manno Schurr

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

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