

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

GENERAL JURISDICTION DIVISION

CASE NO: 17-029853-CA-01

KNIGHT CAPITAL FUNDING III, LLC,

Plaintiff,

v.

WYLDER'S HOLISTIC PET CENTER INC.,
a(n) Delaware corporation, and MELISSA
BACELAR, individually,

Defendant(s).

PLAINTIFF'S MOTION FOR ENTRY OF FINAL JUDGMENT

Plaintiff, KNIGHT CAPITAL FUNDING III, LLC, respectfully requests that the Court enter a final judgment against Defendants, WYLDER'S HOLISTIC PET CENTER INC., a(n) Delaware corporation, and MELISSA BACELAR, and states:

1. The Court entered a default against Defendants, WYLDER'S HOLISTIC PET CENTER INC. and MELISSA BACELAR, on March 7, 2018.
2. In support of this motion, Plaintiff attaches:
 - a. Plaintiff's Affidavit of Indebtedness
 - b. Plaintiff's Affidavit of Costs
 - c. Plaintiff's Attorney's Fee Affidavit
 - d. Affidavit of Counsel in Support of Award of Attorney's Fees
3. Defendants, jointly and severally, owe Plaintiff unpaid receivables in the outstanding amount of \$46,368.92, costs in the sum of \$795.04 and attorney's fees in the sum of \$2,400.00, for a total of \$49,563.96.

Wherefore, Plaintiff requests the Court enter a final judgment against Defendants in the sum of \$49,563.96 representing unpaid receivables purchased by Plaintiff, costs, and attorney's fees.

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this motion on March 8, 2018 to: WYLDER'S HOLISTIC PET CENTER INC., c/o Registered Agent Office Service Company, as Registered Agent, 203 NE Front Street, Suite 101, Milford, DE 19963; and MELISSA BACELAR, 4533 Gentry Avenue, Valley Village, CA 91607

Respectfully submitted on behalf of the Plaintiff by,

By: /s/ Phillip Yates

Amanda L. Barton - Florida Bar No. 83792

Phillip Yates - Florida Bar No. 106244

In-house Counsel for Plaintiff

1691 Michigan Avenue, Suite 230

Miami Beach, FL 33139

Tel: 800.701.2317 Fax: 866.293.8143

E-Mail: Amanda@KnightCapitalFunding.com

Phillip.Yates@KnightCapitalFunding.com

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BACELAR, individually,

Defendant(s).

PLAINTIFF'S AFFIDAVIT OF INDEBTEDNESS

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

BEFORE ME, the undersigned authority, personally appeared Janette Patterson who, after being duly sworn, affirms and deposes that:

1. My name is **Janette Patterson** and I have personal knowledge of the facts and circumstances underlying this action and execute this Affidavit upon such personal knowledge.
2. I serve as Accounting Manager for the Plaintiff, **KNIGHT CAPITAL FUNDING III, LLC**, and I am familiar with the books and records of the Plaintiff.
3. On or about June 27, 2017, WYLDER'S HOLISTIC PET CENTER INC., by and through its authorized representative MELISSA BACELAR, (collectively with "WYLDER'S HOLISTIC PET CENTER INC.", the "Defendants"), executed and delivered a Future Receivables Sale Agreement ("Sale Agreement"), in favor of KNIGHT CAPITAL FUNDING III, LLC wherein the Defendants sold the future receivables of WYLDER'S HOLISTIC PET CENTER INC. in the amount of \$54,510.00 ("Purchased Receivables").
4. On or about June 27, 2017, pursuant to the terms of the Sale Agreement, Plaintiff remitted the sum of \$39,500.00 to WYLDER'S HOLISTIC PET CENTER INC. in exchange for the purchase of the Purchased Receivables.

5. In the event that WYLDER'S HOLISTIC PET CENTER INC. intentionally misrepresented any material fact, or breached any duty or obligation set forth in the Terms and Conditions attached to the Sale Agreement ("Covenants"), MELISSA BACELAR, as guarantor, agreed to assume and guarantee the full, complete, and timely performance of all of WYLDER'S HOLISTIC PET CENTER INC.'s obligations under the Sale Agreement.

6. WYLDER'S HOLISTIC PET CENTER INC. has remitted the Purchased Receivables in the total amount of \$8,141.08 to the Plaintiff, with the last payment being made on or about August 04, 2017.

7. WYLDER'S HOLISTIC PET CENTER INC. defaulted under the terms of the Sale Agreement by failing to make arrangement for delivery of the Purchased Receivables, after WYLDER'S HOLISTIC PET CENTER INC. willfully and deliberately obstructed the remittance of the Purchased Receivables.

8. Plaintiff declared the unpaid Purchased Receivables outstanding under the Sale Agreement immediately due and payable from WYLDER'S HOLISTIC PET CENTER INC., as primary obligor, and MELISSA BACELAR, in his/her capacity as Guarantor.

9. WYLDER'S HOLISTIC PET CENTER INC. and MELISSA BACELAR, jointly, severally and unconditionally remain liable to Plaintiff under the terms and conditions of the Sale Agreement.

10. After deducting all remittances, the total outstanding amount, pursuant to the terms of the Sale Agreement, is \$46,368.92.

11. I affirm and attest that WYLDER'S HOLISTIC PET CENTER INC. and MELISSA BACELAR, jointly and severally, remain justly and duly indebted to KNIGHT CAPITAL FUNDING III, LLC for the unpaid Purchased Receivables outstanding in the amount of **\$46,368.92.**

12. I further affirm that the foregoing is true and correct, that the sum is now due and owing to KNIGHT CAPITAL FUNDING III, LLC, pursuant to the terms and conditions of the defaulted Sale Agreement entered into by and between the parties and that the amount of \$46,368.92 represents the unpaid Purchased Receivables upon said deductions, set-offs and payments.

[Signature Page to Follow]

FURTHER AFFIANT SAYETH NAUGHT.

J Patterson

Janette Patterson

SWORN TO AND SUBSCRIBED BEFORE ME on March 8, 2018, personally appeared **Janette Patterson**, as an authorized representative of the Plaintiff, who being by me first duly sworn, deposes and states that she has executed the foregoing Affidavit and that the affirmations contained therein are true and correct to the best of her knowledge and belief.

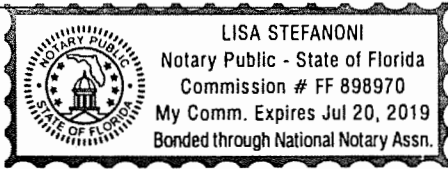
Personally Known
Produced Identification
Type of Identification Produced

[Signature]

NOTARY PUBLIC

Lisa Stefanoni

Print Name



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BACELAR, individually,

Defendant(s).

PLAINTIFF'S AFFIDAVIT OF COSTS

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

Phillip Yates, after being duly sworn, says within his personal knowledge:

1. I am in-house counsel at KNIGHT CAPITAL FUNDING III, LLC.
2. Plaintiff expended the following costs:
 - a. Filing fee \$415.04
 - b. Summons \$20.00
 - c. Service of Process fee \$360.00

Total: \$795.04

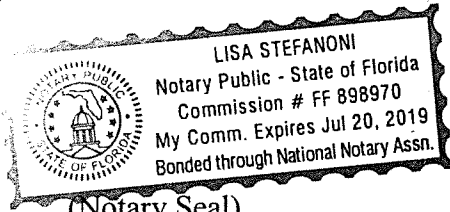
[JURAT PAGE TO FOLLOW]

Phillip Yates

By: _____

Phillip Yates
Florida Bar No. 106244
In-house Counsel for Plaintiff
1691 Michigan Avenue, Suite 230
Miami Beach, FL 33139
Tel: 800.701.2317 Fax: 866.293.8143
E-Mail: Amanda@KnightCapitalFunding.com
Phillip.Yates@KnightCapitalFunding.com

Sworn and subscribed to before me on March 8, 2018, by Phillip Yates, Esq. who is personally known to me and who did take an oath.



Lisa Stefanoni

NOTARY PUBLIC, State of Florida

Lisa Stefanoni

Printed Name of Notary Public

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PLAINTIFF'S ATTORNEY'S FEE AFFIDAVIT

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

Phillip Yates, after being duly sworn, says:

1. I am a member in good standing with the Florida Bar.
2. I am in-house counsel at KNIGHT CAPITAL FUNDING III, LLC,
3. I have personal knowledge of the legal services rendered in this action.
4. Since opening this legal file, the following services have been rendered:

<u>ACTION</u>	<u>HOURS</u>
Compile and review all information in system related to Defendants	1.5
Confer and consult with Plaintiff's principals	0.75
Research Defendant's operating status	0.75
Prepare Complaint, summons, and supporting affidavits	1.5
Research proper service addresses for Defendants and communicate with process server	0.75
Prepare Motions for Default and Final Judgment	<u>2.75</u>
TOTAL	8.0

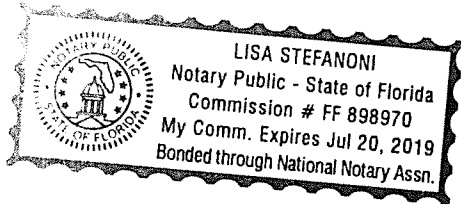
5. At my hourly rate of \$300.00 per hour, the resulting fee is \$2,400.00. I believe that this amount represents a reasonable and necessary attorney's fee.



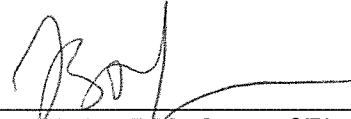
By: _____

Phillip Yates
Florida Bar No. 106244
In-house Counsel for Plaintiff
1691 Michigan Avenue, Suite 230
Miami Beach, FL 33139
Tel: 800.701.2317 Fax: 866.293.8143
E-Mail: Amanda@KnightCapitalFunding.com
Phillip.Yates@KnightCapitalFunding.com

Sworn and subscribed to before me on March 8, 2018, by Phillip Yates, Esq. who is personally known to me and who did take an oath.



(Notary Seal)



NOTARY PUBLIC, State of Florida



Printed Name of Notary Public

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**AFFIDAVIT OF INDEPENDENT COUNSEL IN SUPPORT OF AWARD OF
ATTORNEY'S FEES FOR PLAINTIFF**

STATE OF FLORIDA)
) ss:
COUNTY OF MIAMI-DADE)

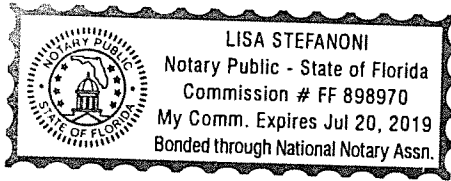
Winston Cuenant, after being duly sworn, says:

1. I am a member in good standing of the Florida Bar and I practice law in Miami-Dade County, Florida.
2. I have experience in litigating commercial actions similar in nature to this action.
3. I personally reviewed Plaintiff's attorneys' file, including all pleadings, correspondence, memoranda, and legal research.
4. In my opinion, the reasonable value of the services rendered by Plaintiff's attorney is \$2,400.00.

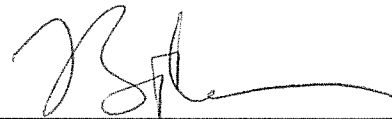


Winston I. Cuenant, Esq.
Florida Bar No. 50167

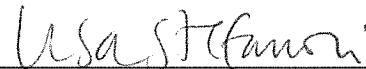
Sworn and subscribed to before me on March 8, 2018, by Winston I. Cuenant, Esq. who is personally known to me and who did take an oath.



(Notary Seal)



NOTARY PUBLIC, State of Florida



Printed Name of Notary Public