

MARINA COLON  
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**IN THE COUNTY COURT IN AND FOR  
BROWARD, FLORIDA**

MARINA COLON,

Case No.: CONO-24-006729

Interested Party(s),

**VS.**

ORIOLE GOLF AND TENNIS CLUB  
CONDOMINIUM ONE J ASSO,  
Plaintiff(s),

## DEFENDANT'S MOTION TO STAY FORECLOSURE SALE UPON PAYMENT OF THE JUDGMENT

CARLOS COLON,

Defendant(s),

**DEFENDANT’S MOTION TO STAY FORECLOSURE SALE UPON  
PAYMENT OF THE JUDGMENT**

COMES NOW, the Defendant, Marina Colon, pro se, and files this Motion to Stay the Foreclosure Sale Upon Payment of the Judgment, and in support thereof states as follows:

1 **FACTUAL BACKGROUND**

2 The subject property is located at 7797 Golf Circle Drive, Unit #204, Margate, FL  
3 33063 (hereinafter, "the Property").  
4

5 The foreclosure auction for the Property was scheduled for January 10, 2025, but the  
6 status now reflects "Auction did not meet County Requirements."  
7

8 The Plaintiff's maximum bid in the foreclosure proceeding was \$23,039.38, as per the  
9 case records.

10 Pursuant to Florida Statutes Section 45.0315, the Defendant seeks to exercise her legal  
11 right to redeem the Property by paying the full judgment amount, including allowable  
12 fees and costs.  
13

14 **LEGAL GROUNDS**

15  
16 1. Statutory Right of Redemption

17 Under Florida Statutes Section 45.0315, a property owner has the right to redeem a  
18 foreclosed property by paying the judgment amount at any time before the foreclosure  
19 sale is finalized. The Defendant is prepared to tender the full amount due to satisfy the  
20 judgment and cure the default.  
21  
22  
23

24 2. Equitable Powers of the Court

25 Courts in Florida have consistently emphasized their equitable authority to ensure  
26 fairness and justice in foreclosure proceedings. As recognized in **Singleton v. Greymar**  
27 **Associates, 882 So. 2d 1004 (Fla. 2004)**, foreclosure is an equitable remedy, and courts  
28

1 must ensure homeowners are afforded their legal rights to prevent unjust enrichment  
2 or harm.  
3  
4

### 5 3. Precedent Supporting Right of Redemption

6 The right of redemption has been upheld in numerous cases:

7  
8 **Salazar v. HSBC Bank USA, N.A., 158 So. 3d 699 (Fla. 3d DCA 2015):** The court  
9 reaffirmed the right to redeem the property until the foreclosure sale is complete.

10 **Veiga v. Deutsche Bank Nat'l Trust Co., 32 So. 3d 714 (Fla. 4th DCA 2010):**  
11

12 Highlighted the court's duty to allow redemption when the homeowner is able and  
13 willing to cure the default.

14 **McC Campbell v. Fountain Head Corp., 257 So. 2d 225 (Fla. 2d DCA 1971):** Stated  
15 that redemption is allowed up to the point of final sale, protecting the homeowner's  
16 equity in the property.  
17

### 18 4. Due Process Concerns

19  
20 If any procedural irregularities, including lack of proper service under Florida Statutes  
21 Section 48.031, are present, the judgment and subsequent foreclosure proceedings may  
22 be voidable. The Defendant maintains that the foreclosure process must adhere strictly  
23 to due process requirements, as outlined in both state statutes and case law.  
24  
25  
26  
27  
28

1 **REQUEST FOR RELIEF**

2 WHEREFORE, the Defendant respectfully requests that this Honorable Court:

3  
4  
5 Stay or Cancel the Foreclosure Sale: Issue an order staying or canceling any scheduled  
6 foreclosure sales of the Property to allow the Defendant to exercise her right of  
7 redemption by the February 19, 2025.  
8

9 Determine the Redemption Amount: Order the Plaintiff to provide a detailed payoff  
10 statement specifying the total amount required to satisfy the judgment, including  
11 allowable costs and fees.  
12

13 Allow Payment to Redeem the Property: Provide the Defendant with the opportunity  
14 to pay the full judgment amount and redeem the Property under Florida Statutes Section  
15 45.0315.  
16

17 Grant Any Other Relief: Provide such other relief as the Court deems just and proper.  
18  
19

20 Respectfully Submitted,

21 

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27 In Pro Se  
28


1 **Certificate of Service**

2  
3  
4 I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished  
5 by E-mail to the parties listed below on this January 21, 2025.  
6

7 MICHAEL GOLDSTEIN, ESQ. E-MAIL: [mgoldstein@peytonbolin.com](mailto:mgoldstein@peytonbolin.com)

8 Carlos Colon, E-MAIL: Carlos Colon Baez [taino1124@gmail.com](mailto:taino1124@gmail.com)  
9

10  
11  
12 Respectfully submitted,

13  
14   
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