

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**JPMORGAN CHASE BANK, N.A.,**

**Plaintiff,**

**v.**

**Case No: 6:17-cv-110-Orl-22DCI**

**SUN STATE CAPITAL PROPERTIES,  
LLC, U.S. SMALL BUSINESS  
ADMINISTRATION and FLORIDA  
FIRST CAPITAL FINANCE  
CORPORATION, INC,**

**Defendants.**

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**ORDER**

This cause is before the Court on Plaintiff's Motion for Summary Judgment and Default Judgment (Doc. No. 60) filed on December 29, 2017.


The United States Magistrate Judge has submitted a report recommending that the Motion be GRANTED in part and DENIED in part.

The Court has conducted an independent *de novo* review of the record in this matter, and noted that no objections were timely filed. In the Recommendations section the Magistrate Judge sets forth that the Motion be denied in all other respects on the basis that Plaintiff failed to demonstrate that it was entitled to relief against unknown defendants that were not defaulted or appeared in the action. However, Plaintiff dismissed the unknown defendants on April 21, 2017 (Doc. No. 38). But, the Court does find that the Motion should be denied with respect to an open-ended reservation of jurisdiction. The Court agrees with the findings of fact and conclusions of law in the Report and Recommendation, as revised above.

Therefore, it is **ORDERED** as follows:

1. The Report and Recommendation filed April 2, 2018 (Doc. No. 67), is ADOPTED and CONFIRMED and made a part of this Order as revised.
  2. The Plaintiff's Motion for Summary Judgment and Default Judgment is hereby GRANTED in part and DENIED in part.
  3. Plaintiff is entitled to summary judgment against SBA and default judgment against Florida First and Sun State as to Count 1 on the Amended Complaint.
  4. Plaintiff holds a lien secured by the Property in the total amount of \$1,971,557.34, plus per diem interest in the amount of \$236.76 accruing from November 30, 2017 until the date of the judgment, plus statutory interest to accrue from the date of the judgment.
  5. Plaintiff's lien is superior to any claim of SBA or the Default Defendants, or any person claiming by, through, under, or against the SBA or Default Defendants since the filing of the Notice of Lis Pendens.
  6. Daniel Feinman is appointed as Special Master to advertise and sell the property in accord with 28 U.S.C. §2002.
  7. The Court reserves jurisdiction for a period of one year to consider requests for attorney fees and costs, and to issue writs of possession.
  8. The Court will enter a separate Final Judgment of Foreclosure and Order of Sale.
- Thereafter, the Clerk is directed to close the file.

**DONE** and **ORDERED** in Orlando, Florida on May 1, 2018.

  
ANNE C. CONWAY  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties