



**FILE**  
*revised*

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
 JUDICIAL CIRCUIT IN AND FOR  
 MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NUMBER: 04-20452 CA10

THE CITY OF CORAL GABLES,

Plaintiff,

vs.

SATCHMO'S BLUES BAR & GRILL,  
 a Florida corporation  
 d/b/a Fritz & Franz Bierhaus, LLC

Defendant

**CONSENT JUDGMENT**

THIS CAUSE comes before the Court upon the agreement of all parties to this action, hereby consent to the entry of a Judgment AS FOLLOWS:

The Defendant shall be automatically evicted and Plaintiff shall receive a Final Ex Parte Judgment in its favor, granting a Judgment for Possession of the subject property, and all contents therein, as well as for money damages and attorney's fees, within twenty (20) days of the Defendant's failure to abide by any one of the following conditions:

- (1) Failure to pay all back taxes and past due rent in the total amount of \$104,207.21 over a thirty six (36) month term of equal monthly payments in the amount of \$2,894.65 commencing on January 1, 2005. All subsequent payments are due on the 15<sup>th</sup> of each month.

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- (2) Failure to pay a proportionate share of the 2004 taxes per square footage of the subject property that are due and payable on or before November 30, 2004 (approximately \$22,700.00);
- (3) Failure to establish and maintain an escrow account for the payment of future taxes for the 2005 tax year on or before December 1, 2004, of an amount of \$1,890.00 per month to equal approximately \$22,700.00; and
- (4) Failure to pay by December 1, 2004, the attorneys' fees and costs incurred by the City of Coral Gables as result of these proceedings. The fees in the amount of \$2,961.80, plus costs in the amount of \$271.00, (representing a \$256.00 filing fee and \$15.00 for a service fee); equal a total amount due of \$3,232.80.
- (5) This Court retains jurisdiction to enforce this Consent Judgment in the event of a default of any of the above terms by the Tenant/Lessee or any of their representatives, including, but not limited to the entry of an Ex Parte Order granting Plaintiff a Final Judgment in its favor for possession of the subject property.

**DONE AND ORDERED** in Miami-Dade County, Florida in chambers on this \_\_\_\_\_  
of \_\_\_\_\_, 2004.

DEC 03 2004

Margarita Esquivel  
CIRCUIT COURT JUDGE

cc: Miles A. McGrane, III, Esq.  
Harald Neuweg, Representative of  
Fritz & Frantz Bierhaus, LLC

# Fritz & Franz BIERHAUS

Austrian-Bavarian Restaurant & Sports Bar

This, to my understanding, is the Agreement I have with the City of Coral Gables to pay items listed billow:

<b>Back Taxes</b> for Year	2002.....	\$ 16,098.83
	2003.....	\$ 16,435.16
	<b>Total of ....</b>	<b>\$ 32,533.99</b>

Payable over 36 month with monthly payments of \$ 903.72 commencing Jan. 1<sup>st</sup> 2005,  
last payment Dec. 1<sup>st</sup> 2007

**Back Rent:** (Deferred Rent, month of Aug., Sept., Oct., Nov. & Dec. 2003)  
24 monthly payments of \$ 1209.79 each, commencing Jan 2004,  
last payment Dec. 1<sup>st</sup> 2005. (12 Payments made as of Dec. 1<sup>st</sup> 2004)

**Escrow amount** for Future Taxes: \$ 1496.52

**Monthly Rent** Payments: \$ 5806.89

Total Payments per month: 9416.92 for the Year 2005

Total Payments per month: 8207.13 for the Year 2006 and 2007 (if escrow amount stays the same)

**SCHEDULE OF RENT DUE & PROPOSED REVISIONS  
FOR FRITZ AND FRANS BIERHAUS**

<u>Period</u>	<u>Rent Amount For Fritz and Frans Bierhaus</u>	<u>Payment or Status per Proposed Amendment</u>	<u>Prior Rent For Jumpin Java</u>	<u>Amount Abated per Proposed Amendment</u>	<u>Balance Due:</u>	<u>Comments:</u>
Sept. 02	\$5,779.76	(\$5,779.76)	\$1,250.00	\$1,250.00	\$0.00	
Oct. 02	\$5,779.76	(\$5,779.76)	\$1,250.00	\$1,250.00	\$0.00	
Nov. 02	\$5,779.76	(\$5,779.76)	\$1,250.00	\$1,250.00	\$0.00	
Dec. 02	\$5,779.76	(\$5,779.76)	\$1,250.00	\$1,250.00	\$0.00	
Jan. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Feb. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Mar. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Apr. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
May 03	\$5,806.89	(\$4,620.40)	\$1,250.00	\$2,436.49	\$0.00	
June 03	\$5,806.89	\$0.00	\$1,250.00	\$7,056.89	\$0.00	
July 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Aug. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Sept. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Oct. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Nov. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Dec. 03	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Jan. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Feb. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Mar. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Apr. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
May 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
June 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
July 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Aug. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Sept. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Oct. 04	\$5,806.89	(\$5,806.89)	\$1,250.00	\$1,250.00	\$0.00	
Nov. 04	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00	
Dec. 04	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00	
Jan. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00	

Feb. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Mar. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Apr. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
May 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
June 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Jul. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Aug. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Sept. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Oct. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Nov. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Dec. 05	\$5,806.89	(\$5,806.89)	\$0.00	\$0.00	\$0.00
Jan. 06	<u>\$5,806.89</u>	<u>(\$5,806.89)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
	\$237,973.97	\$230,980.59	\$32,500.00	\$39,493.38	\$0.00

**Back Taxes**

2002 & 2003	\$32,533.99	\$11,748.36		\$20,785.63
2005	\$16,312.62	\$16,461.72		(\$149.10)
Escrow Taxes 2006	\$4,325.30	\$4,325.30		\$0.00

**Utilities**

Water, Sewer, Waste (Sept. 30)	\$2,241.19			\$2,241.19
(Nov. 30) (thru Dec. 31, 2005)	\$1,100.00			\$1,100.00
<b>Totals:</b>	<b>\$294,487.07</b>	<b>\$263,515.97</b>	<b>\$32,500.00</b>	<b>\$23,977.72</b>

<b>Summary:</b>	<b>Total Rent:</b>	<b>\$294,487.07</b>	<b>Amount Paid:</b>	<b>\$263,515.97</b>
	<b>Total Amount Deferred</b>	<b>\$0.00</b>	<b>Balance Due:</b>	<b>\$23,977.72</b>