

LO2000019920

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐ PICK-UP

☐ WAIT

☐ MAIL

(Business Entity Name)

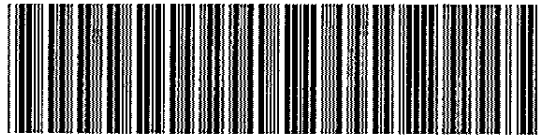
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05 MAY 18 PM 2:39
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CAPITAL CONNECTION, INC.

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The Creek, LLC

____ Art of Inc. File _____
____ LTD Partnership File _____
____ Foreign Corp. File _____
____ L.C. File _____
____ Fictitious Name File _____
____ Trade/Service Mark _____
____ Merger File _____
✓ ____ Art. of Amend. File *LLC* _____
____ RA Resignation _____
____ Dissolution / Withdrawal _____
____ Annual Report / Reinstatement _____
✓ ____ Cert. Copy _____
✓ ____ Photo Copy _____
____ Certificate of Good Standing _____
____ Certificate of Status _____
____ Certificate of Fictitious Name _____
____ Corp Record Search _____
____ Officer Search _____
____ Fictitious Search _____
____ Fictitious Owner Search _____
____ Vehicle Search _____
____ Driving Record _____
____ UCC 1 or 3 File _____
____ UCC 11 Search _____
____ UCC 11 Retrieval _____
____ Courier _____

Signature _____

Requested by: *WL*

Name

Date *5/11*

Time *11:00*

Walk-In _____

Will Pick Up _____

**AMENDMENT TO
ARTICLES OF ORGANIZATION
OF
THE CREEK, LLC**

FILED
05 MAY 18 PM 2:39
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

The Articles of Organization of **THE CREEK, LLC**, a Florida Limited Liability Company, (the "LLC") originally filed with the Department of State of the State of Florida on August 5, 2002, are hereby amended pursuant to the Florida Business Corporation Act (the "Act") as follows:

First: The Articles of Organization were filed on August 5, 2002 and assigned document number L02000019920.

Second: The Articles of Organization were amended on January 21, 2005 pursuant to a Court Order dated December 9, 2004.

Third: Said Court Order was vacated on February 18, 2005 and a certified copy of said February 18, 2005 Court Order is attached hereto as Exhibit A.

Fourth: Pursuant to the February 18, 2005 Court Order Kenneth Jay Fields was vested with all right, title and interest in the Membership Certificate of the "LLC."

Fifth: The Managing Member of the LLC is:

Kenneth Jay Fields
90 Alton Road #1903
Miami Beach, Florida 33139

The sole member approved the amendment unanimously on May 10, 2005.

EXECUTED at Miami, Florida, this 10th day of May 2005.


Kenneth Jay Fields, Managing Member

CFN 20050251634 Case # 04-019883-CA-01
RECORDED 5002/40/40 DEED
HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY, FLORIDA
01:01:01 5002/40/40 DEED
DR 691926050002

FILED FOR RECORD

2005 MAR -3 AM 9:51

CLERK OF DISTRICT & COUNTY COURTS
DADE COUNTY, FLA.
CIVIL #117

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

GENERAL JURISDICTION DIVISION

CASE NO.: 04-19883 CA 02

BANANA BUNGALOW MIAMI BEACH, INC., a Florida
corporation,

Plaintiff,

vs.

THE CREEK, LLC, an involuntarily dissolved Florida Limited
Liability Company and KENNETH JAY FIELDS, Individually,
and all unknown parties claiming by, through under or against the
named defendants, whether living or not, and whether said
unknown parties claim as heirs, devisees, grantees, assignees,
lienors, creditors, trustees, or in any other capacity claiming by,
through, under or against the named defendants,

Defendants.

FINAL ORDER AS TO ALL PARTIES
SRS DISPOSITION
NUMBER 12

**AGREED EX PARTE ORDER VACATING PARTIAL DEFAULT FINAL JUDGMENT
OF FORECLOSURE, VACATE PLEDGE ORDER OF DECEMBER 9, 2004
DISMISS ACTION WITH PREJUDICE, DISSOLVE LIS PENDENS
AND DIRECT CLERK TO RETURN ORIGINAL DOCUMENTS**

THIS CAUSE, having come before the Court upon the Agreed Ex Parte Motion to Vacate Partial
Default Final Judgment of Foreclosure, Vacate Pledge Order of December 9, 2004, Dismiss Action with
Prejudice, Dissolve Lis Pendens and Direct Clerk to Return Original Documents filed by Plaintiff and the
Court having reviewed the Motion and being otherwise fully advised in the premises, it is

ORDERED that the Plaintiff-s Ex Parte Motion be and the same is hereby granted as follows:

1. The Partial Default Final Judgment of Foreclosure entered by this Court on November 29,
2004 be and the same is hereby vacated.
2. The Court Order on Plaintiff-s Emergency Motion to Compel Compliance with Pledge and
Security Agreement entered by this Court on December 9, 2004 be and the same is hereby vacated. In this
regard, Defendant KENNETH JAY FIELDS is hereby vested with all right, title and interest in the
Membership Certificate of THE CREEK, LLC and is hereby restored all rights and privileges as the sole

Book 23166 Page 4521 Total Pages 3
CFN # 20050251634 Case # 04-019883-CA-01
Rec. Date 03/15/2005 G14

HARVEY RUVIN, CLERK

member of THE CREEK, LLC. Further, the management company retained by Plaintiff currently in possession of the hotel known as THE CREEK, LLC shall turn over physical possession of the hotel operation to Defendant KENNETH JAY FIELDS and THE CREEK, LLC, forthwith, and in conjunction therewith, shall turn over to KENNETH JAY FIELDS all records associated with receipts and disbursements and hotel operations during the time that Plaintiff's agent was in possession of said hotel. Additionally, Plaintiff's agent shall turn over any remaining funds in the account of THE CREEK, LLC in conjunction with the aforesaid accounting.

3. The Clerk of Court is directed forthwith to return the original Note and Mortgage to Plaintiff's counsel, Daniel S. Mandel, Esq., Mandel, Weisman, Heimberg & Brodie, P.A., 2101 Corporate Boulevard, Suite 300, Boca Raton, Florida 33431.

4. Plaintiff shall also provide Defendants the following: (a) the original Note marked "Paid in Full"; (b) a satisfaction of mortgage; (c) a Release of the UCC filed with the Clerk's Office; (d) a Release of the UCC filed in Tallahassee with the Secretary of State; (e) a Release of the Pledge and Security Agreement; (f) a Release of the Personal Guarantee; (g) the original Pledge and Security Agreement marked "Satisfied;" (h) the original Personal Guarantee marked "Satisfied;" (i) delivery of all Pledged Collateral as described in the Pledge and Security Agreements, including but not limited to any and all original documents evidencing Membership Interests, Security Interests, all certificates, instruments and all intangibles evidencing same; and (j) \$35,000.00 made payable to Rosen & Switkes P.L Trust Account. Any costs associated with preparation and filing any and all of the aforementioned releases shall be borne by Plaintiff."

4. The Lis Pendens filed in this cause which has been recorded in Official Record Book 22693, Page 2317 of the Public Records of Dade County, Florida be and the same is hereby dissolved.

5. This action is hereby dismissed with prejudice subject to a reservation of jurisdiction to enforce the terms of this Order.

DONE AND ORDERED in Miami-Dade County, Florida this 18th day of February, 2005.

Margaret Weisman
CIRCUIT COURT JUDGE

Copies furnished:
All parties on the attached Service List

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original on file in this office.

HARVEY RUVIN, Clerk of Circuit Court

Deputy Clerk



SERVICE LIST

Daniel S. Mandel, Esq.
Mandel, Weisman, Heimberg & Brodie, P.A.
Attorneys for Plaintiff
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Boca Raton, FL 33431

Robert L. Switkes, Esq.
Rosen, Switkes, Cabrera & Entin, P.L.
Attorneys for Kenneth Jay Fields & The Creek, LLC
407 Lincoln Road, Penthouse Southeast
Miami Beach, FL 33139

STATE OF FLORIDA, COUNTY OF DADE

I HEREBY CERTIFY that this is a true copy of the
original filed in this office on 04 day of
April, A.D. 20 05

WITNESS my hand and Official Seal,
HARVEY BLUMIN, CLERK, of Circuit and County Courts
By [Signature] D.C.

