

Re: Seacar United v. Grace

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From: Colleen Monroe (cmonroe@hacheylawpa.com)

To: scubasharkss@hotmail.com

Cc: carol\_d\_liu@yahoo.com

Date: Tuesday, October 25, 2022 at 12:37 PM EDT

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Hi Sean,

I just wanted to let you know the Clerk did not issue our default finding it was filed prior to the 5 days expired. I disagree with their calculation, but it would take more time to argue with them than to just resubmit our request. As such, I simply refiled our request. Because it's Tuesday, I'm hopeful we'll get a response much quicker than our first attempt.

Thank you!  
Colleen

On Mon, Oct 24, 2022 at 6:19 PM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Okay...thanks. 👍

On Oct 24, 2022 3:53 PM, Colleen Monroe <[cmonroe@hacheylawpa.com](mailto:cmonroe@hacheylawpa.com)> wrote:

Thank you for sending this over.

She's not bound by the HOA--only you are as the homeowner. However, she is bound by the terms of her lease which prohibit pets. As such, that's the provision she is liable for breaching.

I'm still waiting on the clerk's default. I've checked 3 times today.

On Mon, Oct 24, 2022 at 3:39 PM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Hi Colleen,

I just wanted to give you a copy of the no-pet policy for the HOA, just in case it makes a difference.

As I understand, it doesn't matter if Delfrancio submits the document from her doctor for the service animal to the court as she has not submitted an application for the pet to the HOA. She would need to contact the HOA to apply for it. Of course, irrespective of this, the term in the lease has been violated (no-pet policy in the lease), which she signed.

Here is the no-pet policy per the HOA community rules.

I'm sure you're on top of this, but I thought it better to give this to you than not.

Regards,

Sean

Sent from [Mail](#) for Windows

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**From:** [Colleen Monroe](#)  
**Sent:** Friday, October 21, 2022 9:49 AM  
**To:** [S S](#)  
**Cc:** [Carol Liu](#)  
**Subject:** Re: Seacar United v. Grace

Hi Sean,

I filed a Motion for a Clerk's Default today. We are now just waiting on the Clerk to issue it. They sometimes take a couple of days before doing so.

Grace attempted to submit her response to me via email. She shared an "Apple Folder" with me. However, I was unable to open it. It doesn't matter because it doesn't count unless she files it with the Court. She expressed in her email she will file it with the court, but she hasn't yet done that. She is passed the deadline, but if she gets it filed before the clerk issues the default, the court will allow it. So now it's a little bit of a race between the clerk and Grace. I will let you know once I have an update.

Thank you,

Colleen

On Fri, Oct 14, 2022 at 1:54 PM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Hi Colleen,

Thanks for the update. Delfrancio has a door-cam, so I imagine she won't answer the door. We'll most likely be back from our cruise before she'll respond to the notice...just as well.

Hope you have a good week-end.

Regards,

Sean

Sent from [Mail](#) for Windows

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**From:** [Colleen Monroe](#)  
**Sent:** Friday, October 14, 2022 10:45 AM  
**To:** [S S](#)  
**Cc:** [Carol Liu](#)  
**Subject:** Re: Seacar United v. Grace

Hi Sean,

I know you and Carol are traveling, but I wanted to let you know that we received the executed summons and sent it to the process server so Delfrancio can be served with notice of the lawsuit.

He is required to make two attempts to serve her in-hand. If he is unable to do so by the 2nd attempt, he is permitted to post the service on the door. She will then have 5 days to file a response with the court. We are now just waiting for that process to be completed.

Thank you,

Colleen

On Wed, Oct 12, 2022 at 1:05 PM Colleen Monroe <[cmonroe@hacheylawpa.com](mailto:cmonroe@hacheylawpa.com)> wrote:

No problem! Thank you for the heads up. Hope you're doing something fun.

On Wed, Oct 12, 2022 at 12:55 PM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Thanks for that Colleen, and for the update. Glad everything is moving forward. Doubtful that you'll need anything from us, but just to let you know Carol and I will be away for 5 days starting Saturday...we might be out of touch for some of the time but we will check our emails when we can.

Regards,

Sean

Sent from [Mail](#) for Windows

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**From:** [Colleen Monroe](#)  
**Sent:** Wednesday, October 12, 2022 12:04 PM  
**To:** [S S](#)

Cc: [Carol Liu](#)

Subject: Re: Seacar United v. Grace

Hi Sean,

I'm writing to let you know we filed your case. We are now waiting for the clerk to issue the summons so we can send that to the process server and serve Delfrancio with notice of the lawsuit. Once she is properly served, she is given 5 days to file a response with the court.

We will keep you updated as we progress through the case.

Thank you,

Colleen

On Mon, Oct 10, 2022 at 6:58 PM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Thanks for that Colleen.

Regards

Sean

On Oct 10, 2022 4:01 PM, Colleen Monroe <[cmonroe@hacheylawpa.com](mailto:cmonroe@hacheylawpa.com)> wrote:

Hi Sean,

Per your request, I have attached a copy of our complaint.

Thank you,

Colleen

On Sat, Oct 8, 2022 at 8:15 AM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Okay...great. Thanks Colleen

On Oct 7, 2022 4:29 PM, Colleen Monroe <[cmonroe@hacheylawpa.com](mailto:cmonroe@hacheylawpa.com)> wrote:

Because we haven't filed the case yet, the money being submitted to you was proper. Because she made the rent payment, we can no longer pursue an eviction based on nonpayment of rent.

However, we are proceeding with the argument regarding the termination of the lease and the noncompliance with the pet term.

You don't have to do anything. We will file the case next week once the 7 day notice for noncompliance with the lease expires.

On Fri, Oct 7, 2022 at 4:25 PM S S <[scubasharkss@hotmail.com](mailto:scubasharkss@hotmail.com)> wrote:

Hi Colleen,

Just to let you know...an \$1100 deposit has been made into our account today from Delfrancio. The amount due Oct 3 was \$1065 (\$1025 rent plus 2 days of late fees at \$20/day).

Also, the amount as of Oct 3 on the no-pet complaint was \$1925.

You had previously noted that any amount paid after Oct 1 should be deposited with the court in a special account in order to preserve the complaint against her of changing her mind on moving out.

Please advise how to transfer the funds and if any communication should be sent to the tenant at this time, and/or what actions should be taken at this time.

Thanks,

Sean

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Thank you,

Colleen A. Monroe, Esq.

Associate Attorney

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Thank you,

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