

**IN THE CIRCUIT COURT IN AND  
FOR PALM BEACH COUNTY, FLORIDA CIVIL DIVISION**

**CASE NO.: CASE NO. 50-2021-CA-014007-XXXX-MB**

GUILFORD DIEUVIL

Appellant

Vs.

U.S. BANK, NATIONAL ASSOCIATION AS LEGAL  
TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE  
TRUST,

Appellee,

**NOTICE OF APPEAL**

NOTICE IS GIVEN THAT Undersigned Appellant hereby files this Notice of Appeal before the Fourth District Court of Appeal (4DCA), and Appellant / Defendant herein incorporates copy of those Orders that are being appealed, as exhibit "A" and Exhibit "B". The nature of those Orders entered on May 22, 2025 and June 3, 2025 from the Lower Trial Court are final, and to list just few facts herein, those orders were entered as a direct result of abused of discretion, lack of impartiality, lack of impropriety, lack of neutrality, fraudulent inducement and to deprive Appellant of fair trial in violation of right of due process.

**CERTIFICATE OF SERVICE AND COMPLIANCE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed in compliance with appellate procedural rule 9.120, and Appellants Certify that Appellants electronically filed the foregoing with the Clerk of Court by using Florida Courts E-Filing Portal system which

automatically emails copy of this electronic filing motion to all counsels of record and parties including, but not limited to Appellee's counsel, dbrough@bclattorneys.com upon filing; in addition to that, a copy of the foregoing document has been mailed first class thru US postal services to Appellee's counsel at: IAN DOLAN ESQ, at: 499 NW 70TH AVE STE 309 Fort Lauderdale, FL 33317 and any and all registered emails: [answers@DALlegal.com](mailto:answers@DALlegal.com); - [idolan@dallegal.com](mailto:idolan@dallegal.com).

Respectfully submitted this today's date: 7 day of June 2024

*By Guilfort Dieuvil,*

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**EXHIBIT “A”**

**Copy Of Order Entered On May 22, 2025**

IN THE CIRCUIT COURT OF THE FIFTEENTH  
JUDICIAL CIRCUIT IN AND FOR PALM BEACH  
COUNTY, FLORIDA.  
CIVIL DIVISION

CASE NO. 50-2021-CA-014007-XXXX-MB

Residential Foreclosure

U.S. BANK, NATIONAL ASSOCIATION AS LEGAL  
TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE  
TRUST,  
Plaintiff,

vs.

GUILFORD DIEUVIL; MAGDADENE DIEUVIL;  
FRANTZ DUVAL; CANYON ISLES HOMEOWNERS  
ASSOCIATION, INC.; MARYSE A. PIERRE;  
ANSELME PIERRE; CADLEROCK JOINT VENTURE,  
L.P.; EMMANUEL ROCHER JEAN BAPTISTE; CITY  
OF DELRAY BEACH, FLORIDA; HAITIAN BETHEL  
BAPTIST CHURCH, INC.; UNKNOWN TENANT NO.  
1; UNKNOWN TENANT NO. 2; and ALL UNKNOWN  
PARTIES CLAIMING INTERESTS BY, THROUGH,  
UNDER OR AGAINST A NAMED DEFENDANT TO  
THIS ACTION, OR HAVING OR CLAIMING TO  
HAVE ANY RIGHT, TITLE OR INTEREST IN THE  
PROPERTY HEREIN DESCRIBED,  
Defendant(s).

**ORDER ON DEFENDANTS GUILFORT DIEUVIL, MAGDADENE DIEUVIL, AND  
FRANTZ DUVAL'S INJUNCTION RELIEF, MOTION FOR LEAVE TO AMEND  
PLEADINGS AGAINST PLAINTIFF, AND NOTICE OF FILING NEW MATTERS AND  
COUNTERCLAIMS AGAINST PLAINTIFF**

**THIS CAUSE** came before the Court on May 20, 2025 upon Defendants' Injunction Relief and Motion for Leave to Amended Pleadings Against Plaintiff, and Notice of Filing New Matters and New Counterclaims Against Plaintiff (the 'Motion') (at docket entries no. 237 and 238).

Kathleen Achille, Esq. appeared for the Plaintiff. Justin Clark, Esq. appeared for Defendants Magdadene Dieuvil and Frantz Duval. William Bennett, Esq. appeared for Defendant City of Delray Beach, Florida. Defendants Guilfort Dieuvil and Magdadene Dieuvil appeared. There were no appearances by any other Defendants.

After review of the pleadings and the court file, hearing argument of counsel, and the

Court otherwise being duly advised of the premises, the Court finds that the matter has been pending since December 30, 2021, and that on February 26, 2024, it entered an Order granting Plaintiff's Motion to Dismiss Defendants Guilfort Dieuvil and Magdadene Dieuvil's Second Amended Counterclaims with prejudice. In its review of the history of the file, as well as that the "new" allegations are substantially the same or similar to the previous allegations, the Court further finds that the request is solely for the purpose of delay. The Court therefore finds that: (1) the amendment would prejudice the opposing party and that (2) the privilege to amend has been abused. *S. Developers & Earthmoving, Inc. v. Caterpillar Financial Services Corp.*, 56 So. 3d 56, 62 – 63 (Fla. 2d DCA 2011). See also *Bradley v. Sanchez*, 943 So. 2d 218 (Fla. 3d DCA 2006).

Further, Defendants Frantz Duval and Magdadene Dieuvil remain represented by counsel.

A default was entered against Defendant Frantz Duval on August 13, 2024, and has not been set aside. The Motion was asserted on behalf of Defendants Frantz Duval, Magdadene Dieuvil, and Guilfort Dieuvil, but was signed solely by Defendant Guilfort Dieuvil. After inquiry by the Court, Justin Clark, Esq., attorney for Defendants Frantz Duval and Magdadene Dieuvil, confirmed that Defendant Guilfort Dieuvil did not confer or obtain approval to file the April 22, 2025 papers on behalf of Defendants Magdadene Dieuvil and Frantz Duval. Accordingly, the Court further finds that the Motion is a legal nullity, and further **ORDERS** that the Motion is **DENIED**.

**DONE AND ORDERED** in Palm Beach County, Florida.

50-2021-CA-014007-XXXX-MB 05/22/2025  
James Sherman Judge

50-2021-CA-014007-XXXX-MB 05/22/2025  
James Sherman  
Judge

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Circuit Court Judge

Copies furnished to all parties on the attached service list.

**SERVICE LIST**

Case No. 50-2021-CA-014007-XXXX-MB

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**EXHIBIT “B”**

**Copy Of Order Entered On June 3, 2025**



IN THE CIRCUIT COURT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: "AK"  
CASE NO.: 50-2021-CA-014007-XXXX-MB

US BANK NATIONAL ASSOCIATION AS LEGAL TITLE,  
Plaintiff/Petitioner

vs.

ANSELME PIERRE,  
CADLEROCK JOINT VENTURE LP, et al.,  
Defendant/Respondents.

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**ORDER FOLLOWING SHOW CAUSE HEARING AND IMPOSING SANCTIONS**

**THIS CAUSE** came before the Court for review on June 03, 2025 for show cause hearing. Guilfort Dieuvil was present, pro se. None of the other Defendants were present individually or through counsel. Plaintiff was present as was the City of Delray Beach. The Court heard the testimony of Guilfort Dieuvil. Guilfort Dieuvil was given the opportunity to present evidence and witnesses but did not bring either to the hearing. Plaintiff filed copies of three documents filed into the record by Guilfort Dieuvil, which were admitted into evidence without objection. Based upon review of the testimony of Guilfort Dieuvil, the documents filed, argument of Guilfort Dieuvil and Plaintiff, a complete review of the court file, and the Court being otherwise fully advised in the premise, the Court finds as follows:

1. This a foreclosure matter that has been pending since 2021. The majority of the filings in this case have concerned Defendants Guilfort Dieuvil, Magdadene Dieuvil, and Frantz Duval. While both Dieuils have appeared before the Court, the Court has never seen Frantz Duval or spoken to him on Zoom or via phone attendance at hearings.
2. The case came before this court on June 3, 2025 for a second show cause hearing regarding Mr. Dieuvil's filing documents on behalf of himself and his co-defendants despite the fact that he is not an attorney.
3. At the prior show cause hearing, Frantz Duval did not appear but both Dieuils appeared in person. Both Dieuils all testified that all three of them had filed the documents jointly. Because the Court was not able to hear the testimony of Duval, the Court concluded that there was insufficient proof that Dieuvil engaged in the unlicensed practice of law. However, given Duval's non-attendance, the Court found him in civil contempt, struck his pleadings, and entered a default. Notably, given concerns that Duval may be a fictitious person, the Court ruled that any motion for rehearing would have to be notarized and supported by a copy of Mr. Duval's license.
4. Subsequently, Magdadene Dieuvil and Franz Duval retained Justin Clark as counsel and Guilfort Dieuvil continued pro se.
5. Despite the Court's instruction to Dieuvil that he cannot file documents on behalf of any other Defendants, on April 22, 2025, Dieuvil filed three documents on behalf of

“Defendants.” Further, some of the documents specifically referenced Magdadene and Frantz Duval as co-movants. However, it appears from the face of the documents that they were substantially identical to prior filings with the date changed.

6. As a result of the filings, the Court set the matter for this show cause hearing.

### **THE EVIDENCE PRESENTED**

7. Guilfort Dieuvil was sworn in and testified on his own behalf. Dieuvil testified that the filings were the result of mistake. Specifically, Dieuvil stated that he had prepared revised copies of all three documents but inadvertently filed the unrevised versions. It is notable that despite being the “unrevised copies,” all three had new dates in the certificate of conferral and certificate of service. He testified that he failed to read the documents he was uploading before filing them.
8. Dieuvil testified that he did not file the documents on behalf of anyone but himself.
9. Dieuvil repeatedly attempted to point the finger at Plaintiff and Plaintiff’s counsel, accusing them of trying to fast track the case and avoid a trial on the merits. When asked whether Plaintiff induced him to file the subject documents, Dieuvil admitted he filed them on his own volition. Nevertheless, later in the hearing Dieuvil again attempted to blame Plaintiff for what he deemed improper conduct.
10. Dieuvil testified that he filed corrected documents the evening before the hearing. When asked by Plaintiff why he waited so long to file corrected filings when he learned about the issue on May 20, 2025. Dieuvil’s response was flippant, indicating that he was simply too busy to correct the issue despite the Court expressing concern at the prior hearing and setting the matter for a show cause hearing.

### **FINDINGS OF FACT**

11. The Court finds that Guilfort Dieuvil did not intentionally engage in the unauthorized practice of law. Instead, the Court finds that Dieuvil haphazardly filed existing documents **solely for the purpose of delay**, and in doing so, failed to remove reference to his co-defendants.
12. The Court additionally finds the testimony of Dieuvil entirely lacking in credibility. Dieuvil’s testimony that he had prepared revised versions but then on three separate instances filed the incorrect version is simply not believable. This is especially true where the versions he filed had modified dates of conferral and service, reflecting the correct date of filing.
13. The Court further finds that the filing of these documents was part of an ongoing, demonstrated pattern of delay and obstruction as evidenced by previous conduct recounted in this Court’s prior orders. *See DE 129, 188, and 199.*
14. In particular, in DE 199, the Court found that Defendants had engaged in a repeated pattern of delay. The Court found Duval in contempt of court, and his pleadings were stricken for failure to appear at the show cause hearing. The Court’s order allowed Duval to file a

notarized motion for rehearing with his license attached to prove he existed. No such motion was ever filed and the Court notes that the docket reflects rather than avail himself of that opportunity, Duval attempted to appeal the order.

15. The Court then set the matter for non-jury trial. Again, on the eve of trial, without notice to the Court or parties, the Defendants again filed a bankruptcy and did not appear. (DE 225 and 226).
16. Throughout the time the undersigned has presided over this case, Defendant has repeatedly filed and re-filed the same or substantially the same motion for leave to amend and to assert a counterclaim despite it having been dismissed with prejudice. (DE 104, 122, 135, 195, 237, 238 and 253); *See also* Order denying leave to amend based upon prejudice and abuse. (DE 248).
17. On April 22, 2025, Dieuvil again filed the motion for leave to amend and assert counterclaim. (DE 238). This is the motion that gave rise to this show cause hearing because it was filed on behalf of Defendants' and referenced Duval and Magdadene Dieuvil.
18. In sum, the Defendant and his wife have filed at least two bankruptcies on the eve of hearings and trials, failed to appear on numerous occasions, repeatedly re-filed motions that have been denied with prejudice, and offered highly unbelievable testimony to this Court at the July 30, 2024 show cause hearing. Guilfort Dieuvil has also filed three documents on April 22, 2025 without reading them and with minimal revisions which this court considers done solely for the purposes of delay, and he has shown no concern or remorse for his conduct. As a result the Court finds that sanctions are appropriate.

#### **THE APPROPRIATE SANCTION FOR DEFENDANT'S BAD FAITH CONDUCT**

19. When considering the appropriate sanction to apply, Court's must apply six factors, known as the *Kozel* factors. *See Kozel v. Ostendorf*, 629 So. 2d 817 (Fla. 1993). However, where the party is acting pro se and is not represented by counsel, the Court applies a different analysis to determine whether the party has made a willful or deliberate disregard of the Court's authority. *See Ham v. Dunmire*, 891 So. 2d 492 (Fla. 2004); *Mercer v. Raine*, 443 So. 2d 944 (Fla. 1983). Additionally, the Court has the inherent authority to impose sanctions for violations of its orders and bad faith conduct. *See Moakley v. Smallwood*, 826 So. 2d 221 (Fla. 2002).
20. This Court is cognizant of the mandate that "the sanction imposed must be commensurate with the offence" and imposition of the severest sanction of dismissal or default "should be reserved for those occasions where the violation is flagrant, persistent or willful or otherwise aggravated." *See Insua v. World Wide Air, Inc.*, 582 So. 2d 102 (Fla. 2d DCA 1991).
21. The Court finds that Defendant's, Guilfort Dieuvil's, conduct is willful and deliberate. Mr. Dieuvil is an intelligent person who understands the nature of these proceedings. It is apparent his repeated filing of motions for leave to amend and assert a counterclaim are designed solely to delay resolution of this case. In fact, once the bankruptcy stay was lifted, Dieuvil was so rushed to file his leave to amend to prevent the Court from setting the matter for trial that he failed to re-read it and recognize that it was filed on behalf of the other

Defendants as well.

22. Additionally, while the Court does not fault parties from exercising their right to pursue bankruptcy, the filings of the cases on the eve of trial clearly reflect an intent to delay the proceedings.
23. Guilfort Dieuvil has additionally offered wholly incredible testimony to this Court as recounted in (DE 199).
24. While this Court is tempted to strike Dieuvil's pleadings in the entirety and enter a default, the interests of justice are better served in ensuring the resolution of this matter at the trial court level is final.
25. However, the Court finds that Dieuvil's repeated attempts to inject additional, complicating and time consuming issues are likely to make trial unruly and disruptive. These additional issues are reflected in Dieuvil's affirmative defenses and proposed counterclaims. It is not clear from the record whether Dieuvil even has an active Answer and Affirmative Defenses.
26. As a result, the Court finds the appropriate sanction is to strike whatever Affirmative Defenses Guilfort Dieuvil may have asserted and proceed to trial solely on the Plaintiff's Complaint and a simple Answer filed by Dieuvil. Further, the Court hereby prohibits Guilfort Dieuvil from filing any further motions for leave to amend or to assert a counterclaim.
27. Guilfort Dieuvil is also ordered to pay Plaintiff's attorney's fees for its attendance at the show cause hearing, as well as the City of Delray Beach's attorney's fees for the same.
28. Because it is unclear from the record whether there is an operative answer in this case, within five days Guilfort Dieuvil shall file an answer without any affirmative defenses and without a counterclaim. **FAILURE TO DO SO WILL RESULT IN ENTRY OF A DEFAULT.**
29. **Guilfort Dieuvil shall not file any further motions for leave to amend or to assert a counterclaim. Should Guilfort Dieuvil attempt to file any further motions for leave to amend or to assert a counterclaim, the Court will consider it a willful and contumacious disregard of this order and a default will be entered against him.**
30. Should the Answer filed by Guilfort Dieuvil contain any matters in violation of this order, they will be stricken and additional sanctions will be imposed.

**ORDERED AND ADJUDGED** that Guilfort Dieuvil's affirmative defenses are STRICKEN. The counterclaim was previously stricken. Guilfort Dieuvil may file a simple Answer within five days of this Order. Guilfort Dieuvil is ordered, after evidentiary hearing setting the amount, to pay attorney's fees to Plaintiff and the City of Delray Beach for the cost of attending the show cause hearing.

**DONE AND ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida.

50-2021-CA-014007-XXXX-MB 06/03/2025  
James Sherman Judge  
ADMINISTRATIVE OFFICE OF THE COURT

50-2021-CA-014007-XXXX-MB 06/03/2025  
James Sherman  
Judge

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