STATE OF FLORIDA
Office of the Governor
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

RICK SCOTT
GOVERNOR

August 26, 2015

Ms. Barbara Bearden
7703 Southwest 102nd Place
Miami, Florida 33173

RE: Investigation of Notary Public J. Herrera

Dear Ms. Bearden:

Thank you for your assistance with the ongoing investigation of notary misconduct based upon the complaint you filed against J. Herrera, a Florida notary public.

In response to the reported violation(s) of the laws governing Florida notaries public contained within your complaint, the notary has submitted a sworn written statement, a copy of which is enclosed for your review. If there is any additional evidence supporting the allegations of your complaint that was not previously submitted to this Office, we ask that you provide such materials **within fifteen (15) days** of the date of this letter.

If no further evidence is received by this Office within the allotted timeframe, we will proceed to make a determination in this case based upon your complaint and the sworn written statement of the notary. Once such a determination is made, we will notify you of the outcome of this investigation, as well as any disciplinary action taken.

Please do not hesitate to contact me at (850) 717-9325, or by email at NOTARY@eog.myflorida.com, if you have any questions.

Sincerely,

Chase Landrum
Notary Coordinator

STATE OF FLORIDA
Office of the Governor
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

RICK SCOTT
GOVERNOR

August 4, 2015

Ms. J. Herrera
18159 Northwest 61st Court
Miami, Florida 33015

Sent via Certified Mail #7014 2120 0001 5309 2395

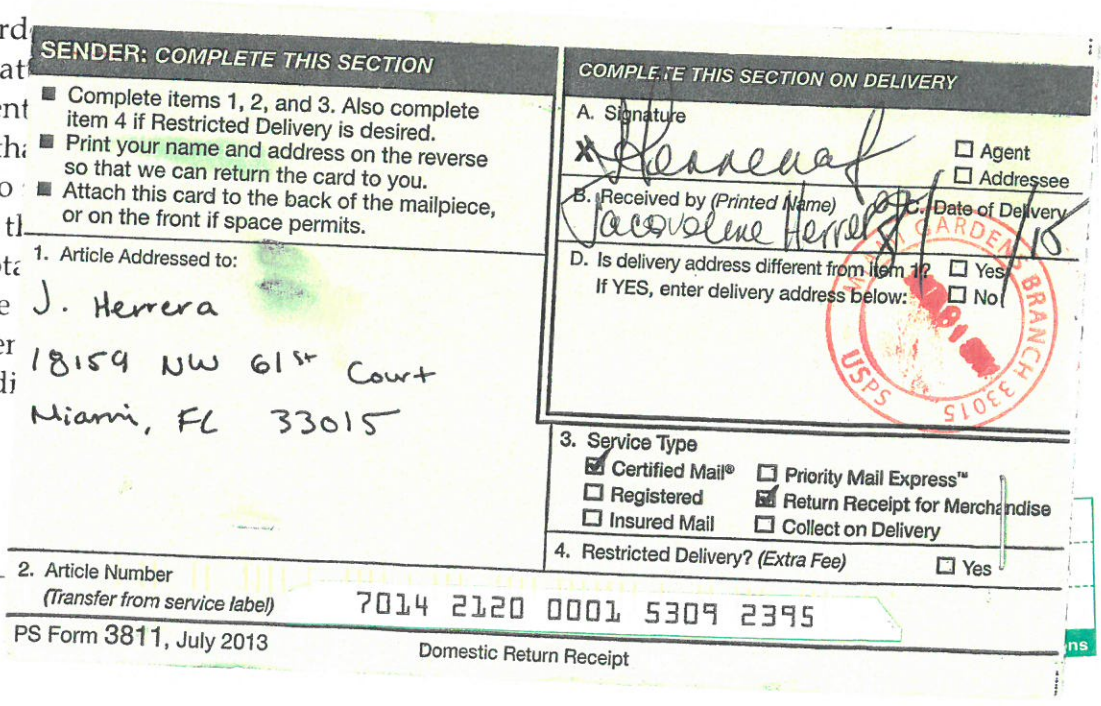
RE: Complaint of Notary Misconduct; Response Due By **August 24, 2015**

Dear Ms. Herrera:

The Notary Section of the Executive Office of the Governor has received a complaint of notary misconduct filed against you by Barbara Bearden, a copy of which is enclosed for your reference. This Office is now conducting an investigation of the reported notary misconduct cited below. Your full and prompt cooperation with this investigation is a required component of your commission as a Florida notary public.

Using the enclosed form, please provide a sworn written response to each of the matters bulleted below **within twenty (20) days** of the date of this letter. Please respond with specificity, and include any supporting documents, notary journal logs, or materials relevant to the investigation of the following alleged violations of the notary statutes:

- Ms. Beard
her signat
Testament
reports th
unable to
notarize t
being not
signature
the preser
surroundi


SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
J. Herrera
18159 NW 61st Court
Miami, FL 33015

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
Jacqueline Herrera 8/7/15

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

USPS MIAMI GARDENS BRANCH 33015

3. Service Type
☑ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7014 2120 0001 5309 2395

PS Form 3811, July 2013 Domestic Return Receipt

- Based upon Ms. Beardens' report that Ms. Carbajal did not sign or acknowledging the signatures in your presence, you would have been unable to confirm that the signatures being notarized belonged to the person named in and executing the document. "A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument." Fla. Stat. §117.05(5). Confirming the identity of the parties whose signatures are to be notarized is one of the most fundamental responsibilities of a notary public.

- Based upon Ms. Bearden's report of denial of signing or acknowledging a signature in your presence, it appears you falsely took an acknowledgment of the purported signature of Donna Carbajal. Falsely taking or receiving an acknowledgment of a signature on a written instrument is a third-degree felony, in violation of Section 117.105, Florida Statutes. Please fully explain the circumstances surrounding your notarization of the enclosed instruments.

- Ms. Bearden reports that Donna Carbajal, on whose behalf the instruments were drafted, lacked the mental capacity to execute or understand the contents of the documents. "A notary public may not notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of the notarization." Fla. Stat. §117.107(5). Please fully explain the circumstances surrounding your notarization of this instrument.

- You failed to include a complete jurat or notarial certificate on the notarized "Last Will and Testament" dated May 11, 2015. Specifically, you failed to record the type of identification relied upon and you did not sign the document. Fla. Stat. §117.05(4)(f),(g). A complete and accurate jurat or notarial certificate must accompany each notarization performed.

Failure to fully and promptly cooperate with the investigation conducted by this Office will result in disciplinary action taken, up to and including the suspension of your notary commission.

Thank you for your prompt response to this matter.

Sincerely,

Chase Landrum
Notary Coordinator

Enclosure.
cc: Ms. Barbara Bearden - Complainant

STATE OF FLORIDA
Office of the Governor
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

RICK SCOTT
GOVERNOR

www.flgov.com
850-488-7146
850-487-0801 fax

August 4, 2015

Ms. Barbara Bearden
7703 Southwest 102nd Place
Miami, Florida 33173

RE: Investigation of Notary Public J. Herrera

Dear Mr. Del Franco:

Thank you for contacting the Notary Section of the Executive Office of the Governor to file a complaint of notary misconduct against J. Herrera. This Office takes allegations of notary misconduct seriously, and relies upon vigilant citizens, like you, to ensure Florida notaries public adhere to the responsibilities and prohibitions of their office. However, the jurisdiction of this Office is limited to the laws governing notary conduct, as defined in Chapter 117, Florida Statutes, and we are unable to file criminal charges or make a document null and void.

Based upon your complaint, this Office has initiated an investigation of possible violations of Chapter 117, Florida Statutes. Ms. Herrera is now required to provide a sworn written response to each of the matters under investigation by this Office. A copy of the letter to J. Herrera is enclosed for your records.

If you have suffered monetary damages due to the alleged notary violation(s), you may wish to file a claim against the notary's surety bond. To obtain the name and address of the bonding company or a copy of the bond, you may contact the Department of State, Notary Commissions and Certifications Section, at (850) 245-6975. Additionally, you may want to consult with an attorney to determine any legal options available to you.

We will update you of the status of this investigation as it progresses. If you have any questions, please feel free to contact our office at (850) 717-9325, or by email at NOTARY@eog.myflorida.com.

Sincerely,

Chase Landrum
Notary Coordinator

Enclosure.

CASE JOURNAL

Notary Name: Herrera, J Commission #: EE881574 Exp. Date 3/6/17

Date/ Reviewer Event

18159 NW 61 Ct Miami 33015

7/9 & "Last Will and Testament" May 11, 2015

① 117.107 (9) - Presence

② 117.05 (5) - ID

③ 117.105 - False/Fraudulent Acknowledgements

④ 117.107(5) - Mental Incompetence

⑤ 117.05 (4) - Jurat Contents Violation

(f) - type of ID, (g) - notary's signature

- C alledges the signatory, Donna Carbajal, was mentally unable of understanding the document and did not sign this document. C alledges the signature was forged outside of Carbajal's presence and then notarized. The document was signed and stamped 5/11/15 and Carbajal passed on 5/12/15.

"Quitclaim Deed" May 11, 2015

① 117.107(9), 117.05(5), 117.105 - Presence, ID, False/Fraud

② 117.107(5) - Mental Incompetence

③ - see above note.

10/21 - Final Determination to be made

Barbara Bearden
7703 SW 102 Place
Miami, Florida 33173

RECEIVED
SEP 04 2015
Governor's Legal Office

September 1, 2015

Chase Landrum
Notary Coordinator
State of Florida
Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

RE: Investigation of Notary Public J. Herrera

Dear Mr. Landrum:

Thank you for the opportunity to respond to the sworn written statement of Notary Public J. Herrera. Based on Ms. Herrera's sworn statement, I am submitting a brief explanation of the additional evidence enclosed for your review.

1. Herrera claims she went to Donna Carbajal's home on May 11, 2015 and witnessed her sign the Last Will and Testament and Quit Claim Deed. She states Ms. Carbajal was in bed and requested Ms. Herrera, Witness Nichole Leon, Witness Leonardo Diez, and Mr. De Leon come into her bedroom to witness her signatures.

   Response: The residence of Donna Carbajal is a 765 sq. ft., two bedroom, two bathroom condo. The two bedrooms are the same size and rather small with a Queen size bed and dresser inside. The idea of Notary J. Herrera, witness Nichole Leon, witness Leonardo Diez, Mr. De Leon, and Donna Carbajal all present in the bedroom at one time and conducting legal matters is ridiculous. **Exhibit A**: Property Record of Donna Carbajal's Residence, 2775 West 62 Street, 101, Hialeah, Florida 33016.

2. Herrera claims on May 11, sometime after 6:27 pm, Donna Carbajal was alert, competent, was not lacking the capacity to sign, and did not show any type of distress or unwillingness to sign.

   Response: On May 11, Donna Carbajal was under the care of Hospice due to s. 119.071(5)(f) F.S. and taking numerous medications related to her illness. **Exhibit B**: Prescription Records of

Donna Carbajal. **Exhibit C:** Medication Review Report for Donna Carbajal from Heartland HCC in Miami Lakes.

3. Herrera claims Donna Carbajal signed the documents in her presence and she saw Carbajal's drivers license.

   Response: Of the documents notarized by J. Herrera, each signature of Donna Carbajal is different and none match Donna Carbajal's signature on her drivers license. **Exhibit D**: Drivers License of Donna Carbajal.

4. Herrera provided a copy of a text message exchange with Ismael De Leon on May 11, at 6:27 pm, as evidence of her presence during the signing by Donna Carbajal.

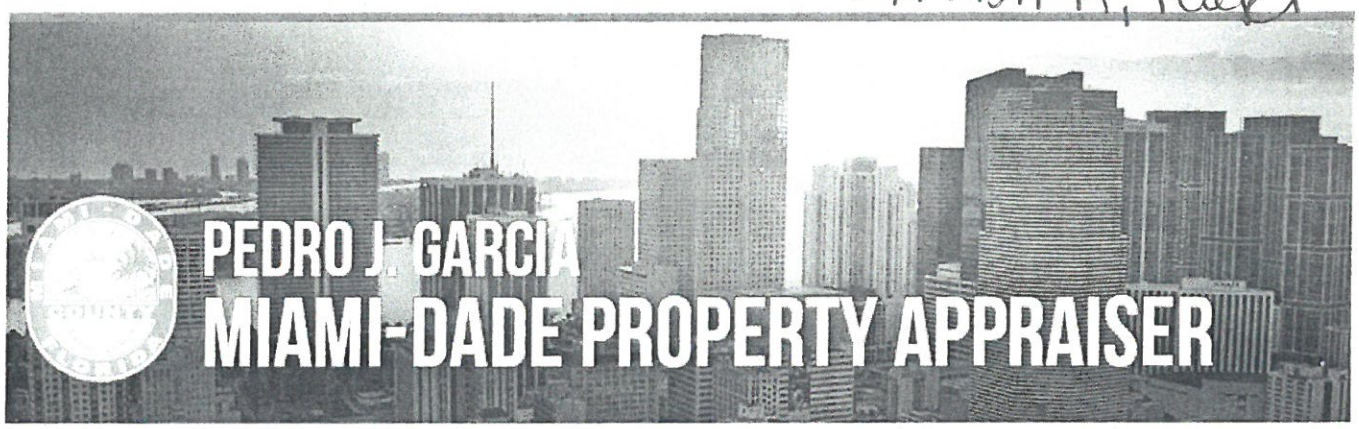
   Response: Herrera's documentation is proof that Mr. De Leon contacted her on May 11, at 6:27 pm to come to Donna Carbajal's residence to notarize the will. Herrera's response to Ismael De Leon is to call her. Herrera's documentation fails to provide any indication of her proceeding to the residence at that time or any other time. Additionally, the text exchange occurred on May 11, at 6:27 pm. Donna Carbajal passed away less than 24 hours later on May 12, at 5:00 pm from complications of cancer. **Exhibit E**: External Examination Report prepared by Michael Steckbauer, MD. **Exhibit F**: Death Certificate of Donna Carbajal with date and time of Death

Thank you for your cooperation in this matter of mutual concern. Should you need further information, please feel free to contact me at anytime.

Sincerely,

Barbara Bearden
Sister of Donna Carbajal

Exhibit A, Page 1



Address Owner Name Folio

Search:

donna carbajal

Property Information

Folio: 04-2034-141-1330

Sub-Division:
RESIDENCIAL EL PRADO CONDO

Property Address
2775 W 62 ST 101
Hialeah , FL 33016-5973

Owner
DONNA CARBAJAL

Mailing Address
2775 W 62 ST #101
HIALEAH , FL 33016-5918

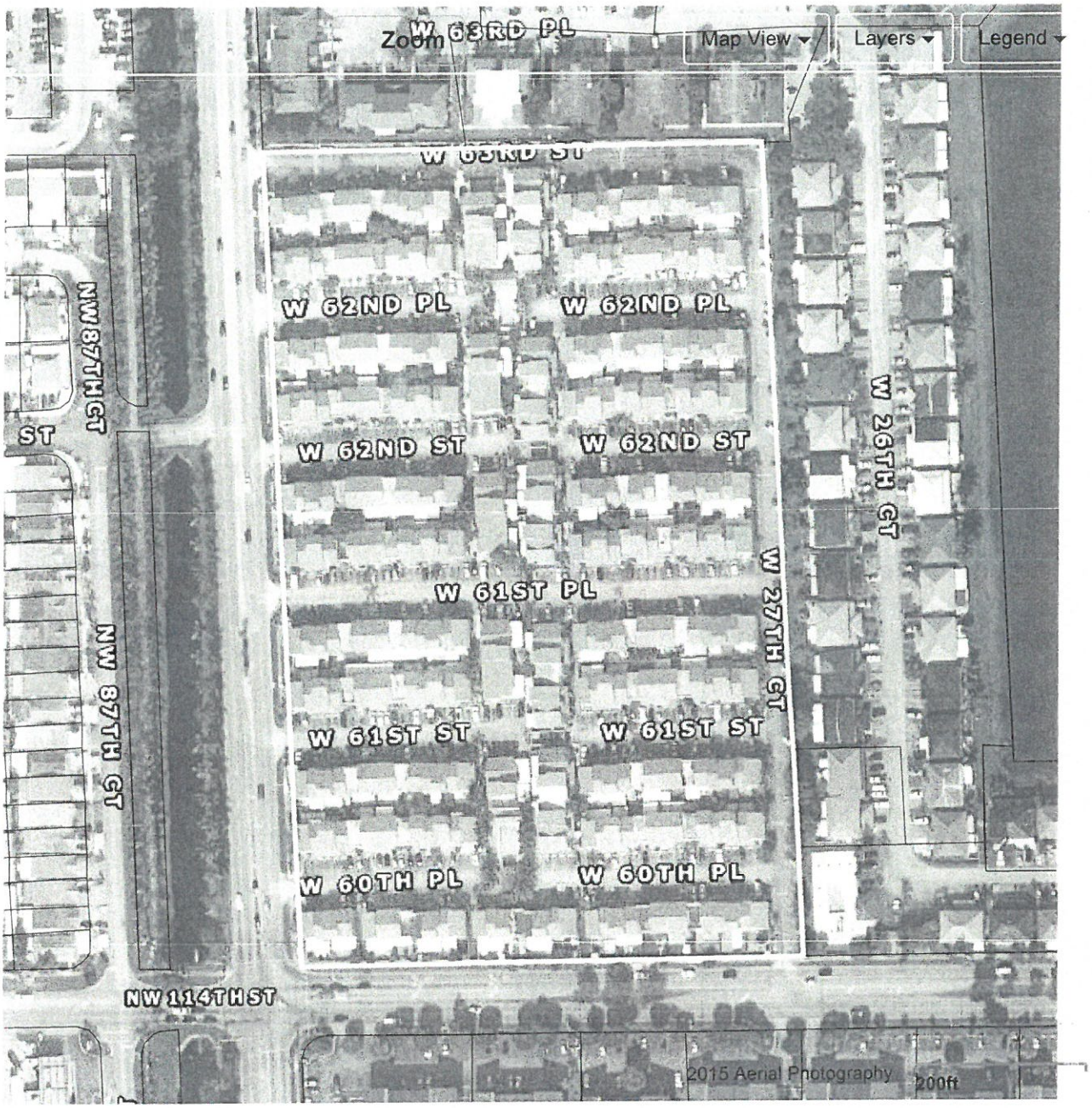
Primary Zone
4600 MULTI-FAMILY - 5 STORY &

Primary Land Use
0407 RESIDENTIAL - TOTAL VALUE : CONDOMINIUM - RESIDENTIAL

Beds / Baths / Half	2 / 2 / 0
Floors	0
Living Units	1
Actual Area	

Exhibit A, Page 2

Living Area	765 Sq.Ft
Adjusted Area	765 Sq.Ft
Lot Size	0 Sq.Ft
Year Built	1986



Featured Online Tools

Comparable Sales
Non-Ad Valorem Assessments
Property Record Cards
Glossary
PA Additional Online Tools
Property Search Help

Exhibit A
Page 3

Report Discrepancies
Tax Comparison
TRIM Notice

Report Homestead Fraud
Tax Estimator
View Taxes

Assessment Information

Year	2015	2014	2013
Land Value	$0	$0	$0
Building Value	$0	$0	$0
Extra Feature Value	$0	$0	$0
Market Value	$89,940	$76,220	$64,590
Assessed Value	$48,112	$47,731	$47,026

Taxable Value Information

	2015	2014	2013
COUNTY			
Exemption Value	$25,000	$25,000	$25,000
Taxable Value	$23,112	$22,731	$22,026
SCHOOL BOARD			
Exemption Value	$25,000	$25,000	$25,000
Taxable Value	$23,112	$22,731	$22,026
CITY			
Exemption Value	$25,000	$25,000	$25,000
Taxable Value	$23,112	$22,731	$22,026
REGIONAL			
Exemption Value	$25,000	$25,000	$25,000
Taxable Value	$23,112	$22,731	$22,026

Benefits Information

Benefit	Type	2015	2014	2013
Save Our Homes Cap	Assessment Reduction	$41,828	$28,489	$17,564
Homestead	Exemption	$25,000	$25,000	$25,000
Second Homestead	Exemption	$0	$0	$0

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Exhibit A
Page 4

Full Legal Description

RESIDENCIAL EL PRADO CONDO

UNIT 97 BLDG 8

UNDIV 1/382

INT IN COMMON ELEMENTS

OFF REC 12777-1816

OR 20829-1273 11 2002 4

Sales Information

Previous Sale	Price	OR Book-Page	Qualification Description
11/01/2002	$0	20829-1273	Qual by exam of deed
10/01/1986	$47,500	13039-1624	2008 and prior year sales; Qual by exam of deed

For more information about the Department of Revenue's Sales Qualification Codes.

Additional Information

* The information listed below is not derived from the Property Appraiser's Office records. It is provided for convenience and is derived from other government agencies.

Exhibit B

donna carbajal
2775 W 62 ST #101
HIALEAH, FL 33016
(305) 824-3156
01/25/1948
Female

Prescription Records

08/01/2014 - 08/30/2015
Confidential Patient Information

Walgreens
8350 S River Pkwy
Tempe, AZ 85284
(877) 250-5823

Fill Date	Prescription	NDC #	Qty	Pharmacist	Prescriber	Insur/Claim Ref#	Price
05/01/2015	s. 119.071(5)(f) F.S.						$0.00
04/30/2015							$6.60
04/27/2015							$0.40
04/27/2015							$0.00
04/08/2015							$0.00
04/08/2015							$0.00
04/08/2015							$6.59
04/08/2015							$0.00

TOTAL: **$13.59**

Generics saved you:	$0.00
Using more generics could have saved you:	$0.00
Insurance saved you:	$890.83
Your cash quantity discount:	$0.00

We thank you for choosing Walgreens.

Exhibit C

Facility #: 111549
Date: Feb 26, 2015
Time: 07:49:19 ET

HHCC Miami Lakes
Medication Review Report

Facility Code: 4097
User: Susanne Harrell

Patient: All Unit: Sub-Acute - Unit 2 Floor: All Status: Current On or After Date: 02/26/2015

Patient: Carbajal, Donna A (241410) Location: 318 D Admission: 02/24/2015

Order Summary	Communication Method	Order Status	Order Date	Start Date
[redacted]	Phone	Active	02/24/2015	02/25/2015
[redacted]	Phone	Active	02/24/2015	02/24/2015
[redacted]	Phone	Active	02/24/2015	02/24/2015
[redacted]	Phone	Active	02/25/2015	02/25/2015
[redacted]	Phone	Active	02/24/2015	02/25/2015
[redacted]	Phone	Active	02/25/2015	02/26/2015
[redacted]	Prescriber Written	Active	02/25/2015	02/25/2015
[redacted]	Prescriber Written	Active	02/25/2015	02/25/2015
[redacted]	Phone	Active	02/25/2015	02/26/2015
[redacted]	Phone	Active	02/24/2015	02/25/2015
[redacted]	Prescriber Written	Active	02/25/2015	02/26/2015

I have approved these orders for Carbajal, Donna A (241410). Total pages 3.

Physician: _____ Signature: [signature] Date: 3/2/15

Exhibit D

Florida
The Sunshine State
DRIVER LICENSE CLASS E
C612-175-48-525-0
DONNA POSTEL
CARBAJAL
2775 W 62 ST APT 101
HIALEAH, FL 33016-5918
DOB: 01-25-1948 SEX: F
ISSUED: 01-26-2010
EXPIRES: 01-25-2018
REST:
ENDORSE:
REPLACED: 06-10-2015
SAFE DRIVER
Operation of a motor vehicle constitutes consent to any sobriety test required by law.

Exhik

Florida
The Sunshine State
DRIVER LICENSE CLASS E
C612-175-48-525-0
DONNA POSTEL
CARBAJAL
2775 W 62 ST APT 101
HIALEAH, FL 33016-6918
DOB: 01-25-1948 SEX: F
ISSUED: 01-24-2010
EXP: 01-25-2016
SAFE DRIVER
Operation of a motor vehicle constitutes consent to any sobriety test required by law.

Exhibit E
Page 1

s. 119.071(5)(f) F.S.

Exhibit E
Page 2

EXTERNAL EXAMINATION

s. 119.071(5)(f) F.S.

Exhibit E
Page 3

EXTERNAL EXAMINATION FINDINGS:

s. 119.071(5)(f) F.S.

Michael Steckbauer, MD

2015 08 06
Date

STATE OF FLORIDA

THIS DOCUMENT HAS A LIGHT BACKGROUND ON TRUE WATERMARKED PAPER. HOLD TO LIGHT TO VERIFY FLORIDA WATERMARK.

BUREAU of VITAL STATISTICS

Exhibit F

CERTIFICATION OF DEATH

s. 119.071(5)(f) F.S.

VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

State Registrar

REQ 2015992444

WARNING: THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND, GOLD EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THE DOCUMENT WILL NOT PRODUCE A COLOR COPY.

* 3 1 8 7 3 2 9 7 *

DH FORM 1946 (03-13)

CERTIFICATION OF VITAL RECORD

Florida HEALTH

SWORN RESPONSE OF NOTARY PUBLIC

DATE August 20, 2015

STATE OF FLORIDA

COUNTY OF _____

On May 11, 2015 Donna Carbajal signed under Oath the "Last Will and Testament" and the Quit Claim Deed also dated May 11, 2015. I went to her home on that date and she signed the above mentioned documents in the prescence of 2 witnesses that also signed the documents. Donna Carbajal was in bed but asked all of us to please come into her room so that she can sign the documents. According to Donna Carbajal she had typed up the documents days before but the documents were signed by her in my prescence and in the

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated herein are true.

_____
(Signature of Respondent)

Address: _____

_____

Phone: _____

_____
(Printed Name of Respondent)

Sworn to and subscribed before me this _____ day of _____, 20___, by _____.

_____
(Name of Notary Public)

Personally known _____; OR Produced Identification _____.

Type of Identification Produced _____

RECEIVED
AUG 25 2015
Governor's Legal Office

(Revised 12/31/2014)

SWORN RESPONSE OF NOTARY PUBLIC

DATE Aug 20, 2015

STATE OF FLORIDA
COUNTY OF _____

of the two witnesses.
- Donna Carbajal was alert and competent to sign the documents. I personally asked her if she was under any medication that would prohibit her from signing. Donna Carbajal denied being impaired or under any strong medication. I asked her for her name and address to which she was able to answer correctly. Donna explained to me that she had typed up the documents in her computer.
- Ms Donna Carbajal did not seem in any way lacking the capacity to sign

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated herein are true.

_____
(Signature of Respondent)

Address: _____

_____

Phone: _____

_____
(Printed Name of Respondent)

Sworn to and subscribed before me this _____ day of _____, 20___, by _____.

_____
(Name of Notary Public)

Personally known _____; OR Produced Identification _____.

Type of Identification Produced _____

(Revised 12/31/2014)

SWORN RESPONSE OF NOTARY PUBLIC

DATE August 20, 2015

STATE OF FLORIDA

COUNTY OF _____

before me and of the two witnesses present, Ms Donna Carbajal was willing to sign the document and did not show any type of disstress or unwillingness to sign the documents.

The notarial certificate was on the last page of the "Will and Testament" but I do remember clearly numbering each page on the bottom. I cannot see it on the pages included in this package as it believe these pages were faxed and not very clear.

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated herein are true.

_____

(Signature of Respondent)

Address: _____

_____

Phone: _____

_____

(Printed Name of Respondent)

Sworn to and subscribed before me this _____ day of _____, 20___, by _____.

_____

(Name of Notary Public)

Personally known _____; OR Produced Identification _____.

Type of Identification Produced _____

(Revised 12/31/2014)

SWORN RESPONSE OF NOTARY PUBLIC

DATE August 20, 2015

STATE OF FLORIDA
COUNTY OF _____

As a Notary Public of the State of Florida I take my obligation and commitment very seriously. I was called by Ismael de Leon to go to their home and Notarize the "Last Will and Testament" and also the "Quit Claim Deed" and that is exactly what I did. Donna Carbajal signed in my prescense and in the prescence of the two witnesses. the documents mentioned above and in question. I saw the I.D. for Donna Carbajal and also for the two witnesses. One of the witnesses "Nicole Leon" is my next door neighbor. She also saw Donna

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated herein are true.

_____
(Signature of Respondent)

Address: _____

_____

Phone: _____

_____
(Printed Name of Respondent)

Sworn to and subscribed before me this _____ day of _____, 20___, by _____.

_____
(Name of Notary Public)

Personally known _____; OR Produced Identification _____.

Type of Identification Produced _____

(Revised 12/31/2014)

SWORN RESPONSE OF NOTARY PUBLIC

DATE August 20, 2015

STATE OF FLORIDA
COUNTY OF Miami-Dade.

Carbajal Drivers License and witness Donna Carbajal signing the documents in her bedroom. The other witness also stood there while Donna Carbajal signed.

I have included a text message screen shot of my phone where Mr. Ismael de Leon gives me the address to his home and also Donna Carbajal's home. On the top of the message you can see the time and date of the message. Although the message is in Spanish he tells me he is waiting for me and gives me the address.

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated herein are true.

(Signature of Respondent)

Address: 18159 N.W. 61 Court
Miami, FL 33015

Phone: (786) 442-7849

Jacqueline Herrera
(Printed Name of Respondent)

Sworn to and subscribed before me this 21 day of August, 2015, by Jacqueline Herrera.

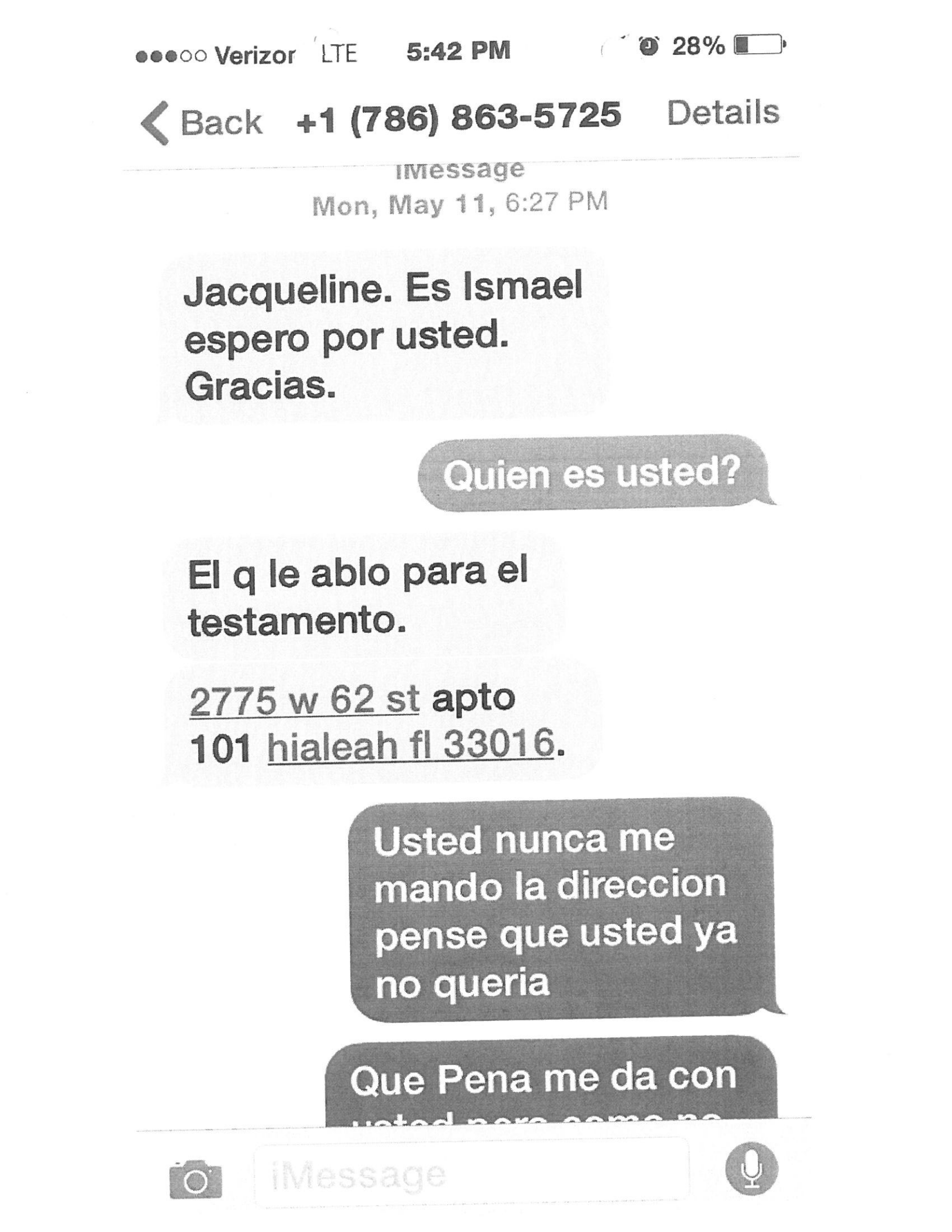
JACQUELINE CAJINA
Notary Public - State of Florida
Commission # FF 222743
My Comm. Expires Apr 21, 2019

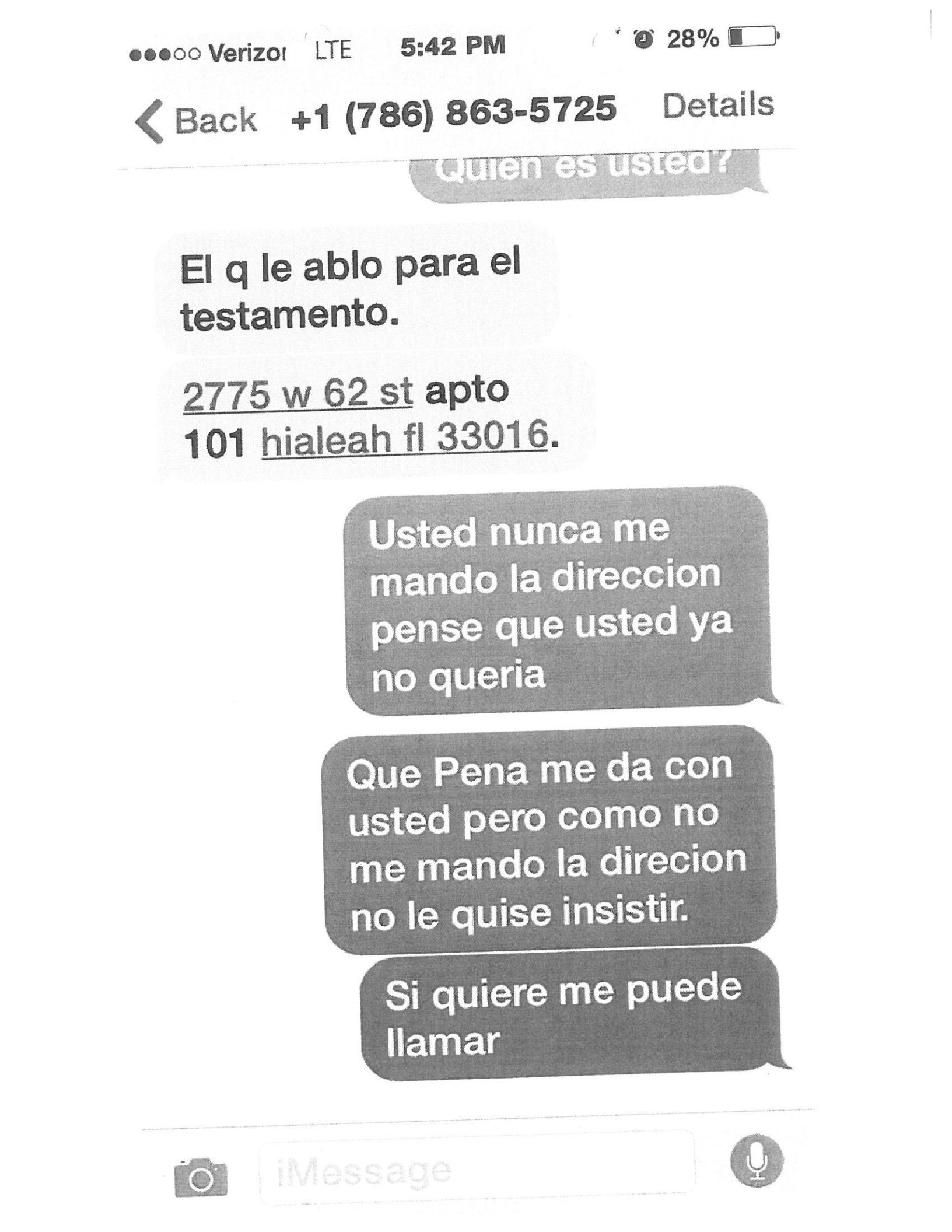
Jacqueline Cajina
(Name of Notary Public)

Personally known _____; OR Produced Identification _____.

Type of Identification Produced FL ID.

(Revised 12/31/2014)


●●●○○ Verizor LTE 5:42 PM 28%
Back +1 (786) 863-5725 Details
iMessage
Mon, May 11, 6:27 PM
Jacqueline. Es Ismael espero por usted. Gracias.
Quien es usted?
El q le ablo para el testamento.
2775 w 62 st apto 101 hialeah fl 33016.
Usted nunca me mando la direccion pense que usted ya no queria
Que Pena me da con
iMessage


●●●○○ Verizon LTE 5:42 PM 28%
Back +1 (786) 863-5725 Details
Quien es usted?
El q le ablo para el testamento.
2775 w 62 st apto 101 hialeah fl 33016.
Usted nunca me mando la direccion pense que usted ya no queria
Que Pena me da con usted pero como no me mando la direcion no le quise insistir.
Si quiere me puede llamar
iMessage

U.S. Department of Justice
Federal Bureau of Prisons

Miami, Florida 33177

FACSIMILE COVER SHEET

TO: Office of the Governor, NOTARY SECTION

FROM: Barbara Bearden & Lori Bearden

Fax Number: 850-~~717-9325~~ 488-9810

# of Pages: 24 including cover sheet

RE: Notary Complaint/J. Herrera, Commission EE881374

ATTACHMENTS

A. COMPLAINT FORM
B. RECENT (APRIL 2015) EXAMPLES OF DONNA CARBAJALS' SIGNATURE
C. NOTARY COMMISSION DETAIL FOR J. HERRERA
D. DEATH CERTIFICATE OF DONNA CARBAJAL
E. PURPORTED LAST WILL & TESTAMENT OF DONNA CARBAJAL
F. PURPORTED QUIT CLAIM DEED OF CARBAJAL RESIDENCE
G. CREMATORIUM FORMS WHERE HE CLAIMS TO BE SPOUSE
H. EMERGENCY ORDER TO STOP CREMATION OF CARBAJAL
I. EMERGENY PETITION TO STOP CREMATION OF CARBAJAL & NEXT OF KIN
J. CAVEAT BY BARBARA BEARDEN, SISTER
K. EMAILS WITH MIAMI DADE PROPERTY APPRAISER REGARDING DEED FRAUD

Please confirm receipt of this fax at your earliest convenience. Barbara can be reached at 305-761-1154 or I can be reached at the below listed contact information. Thank you for your assistance in this matter.

Please Direct Correspondence to:
Lori Bearden, Case Manager
Federal Bureau of Prisons
FCI Miami
15801 S.W. 137 Avenue
Miami, Florida 33177
LBearden@bop.gov
305-259-2382

Attachment A

Office of the Governor - Notary Section
The Capitol, Suite 209
Tallahassee, Florida 32399-0001
Telephone: (850) 717-9529 - Fax: (850) 488-9810

For Official Use Only:

Date Received _____

COMPLAINT FORM

COMPLAINANT INFORMATION (please print)

Your Name: Barbara Bearden
Telephone: 305-761-1154
Mailing Address: 7703 SW 102 Place
Miami, FL 33173
E-mail: BarbaraBearden@hotmail.com

NOTARY PUBLIC INFORMATION (please print)

Notary Name: J. Herrera
Commission #: EE 881374
Notary Address: 18159 NW 61 Court
Miami, FL 33015
Expiration Date: 03/06/2017

PRELIMINARY QUESTIONS (please respond)

1. Is your signature on the subject document(s) a forgery? YES (NO)
2. Did you personally appear before the Notary to sign or acknowledge your signature on the subject document(s)? YES (NO)
3. Did you personally appear before the Notary on the specific date recorded in the jurat/notarial certificate? YES (NO)
4. Did the Notary notarize the document(s) in your presence? YES (NO)
5. Do you personally know the Notary? YES (NO)

NATURE OF COMPLAINT

Must be typewritten or clearly printed. Specifically describe and provide facts of alleged misconduct, and attach a copy of the improperly notarized document(s). Additional space provided on second page, if needed.

Notary Public, J. Herrera, of Miami Dade County Florida, violated Florida Statute 117.05(4)(f), 117.05(5), 117.107(5), and 117.107(9), when she notarized a Last Will and Testament and Quit Claim Deed on May 11, 2015, allegedly signed by Donna Carbajal and witnessed by Leonardo Diez and Nichole Leon, residents of Miami Dade County. Both documents indicate the beneficiary is Ismael L. De Leon, of Miami Dade County. Ms. Herrera violated statutes by not identifying Ms. Carbajal or the Witnesses, notarizing a document signed by a person who was not of the mental capacity of understanding, and notarizing a signature of a person who was not in her presence at the time the signature was notarized. Furthermore, the documents are believed to be the result of Forgery and Fraud.

The Facts:
Donna Carbajal passed away on May 12, 2015 and has two surviving relatives, her sisters, Barbara Bearden and Nancy Gilbert. Ms. Carbajal was divorced from Ruben Carbajal in 1994 and never remarried or had any children. Ms. Carbajals' boyfriend, Ismael L. De Leon, attempted to conceal her death from the family, attempted to have Ms. Carbajal's body Cremated prior to the family learning of her death, claimed to be Ms. Carbajal's/Next of Kin, and stated Ms. Carbajal has no surviving relatives. The family became aware of Ms. Carbajals' death of their own accord on May 17, 2015, when attempting to visit Ms. Carbajal at her home. Mr. De Leon refused to communicate with Barbara Bearden and or advise of where Ms. Carbajal's body was located. Barbara Bearden was able to locate the body on May

A

18 at the Crematorium and supplied documentation that she is the surviving sister and Next of Kin. The Crematorium notified Mr. De Leon that he made false statements regarding Ms. Carbajal and the Crematorium will be dealing only with the family from this point. The next day, Mr. De Leon produced the attached purported Last Will and Testament of Donna Carbajal. The Purported Will was signed, witnessed, and notarized on May 11, 2015, THE VERY DAY BEFORE SHE DIED. Prior to the family involvement, Mr. De Leon never indicated a will existed, to the Crematorium or Family. Additionally, the purported Will states Ms. Carbajal left her entire estate to Mr. De Leon and appointed him as the executor. Currently, Barbara Bearden and Nancy Gilbert are actively pursuing Probate Case Number 2015-2112 contesting the alleged will. Fortunately, the Judge signed and entered an Emergency Order to Stop Cremation and that an autopsy be performed.

On May 14, 2015, two days after Ms. Carbajal passed away, Mr. De Leon withdrew all but $24.00 from her Checking Account. On May 18, 2015, Monday, the day the family became involved, Mr. De Leon has the purported Quit Claim Deed recorded by the Miami Dade Clerk of Courts.

The following is the issues with the notarized documents:
The Will
1. The document was prepared the day before Ms. Carbajal's death.
1. The actual, pages 1-3, does not have any signatures or initials. Signature page is a whole separate page.
2. Page 4 Personal Statement, Signature of Ms. Carbajal is different from signature on pages 5 and 7.
3. Page 2, Article V, names Nancy Gilbert, as executor, if De Leon should predecease Donna. DE LEON OBVIOUSLY KNEW THERE WERE OTHER RELATIVES.
4. Page 4 and 5, witnesses are his family members, Leonardo Diez (brother in law/common law husband of Mr. De Leon's sister, Isabel De Leon) and Nichole Leon (family member).
5. Page 5, Ms. Carbajal's signature is very different from page 4 and 7.
6. Page 6, Notary Seal and Signature of Jackie Herrera, DOB 11-7-1970, is the NEXT DOOR NEIGHBOR of NICOLE LEON, Witness. Her home address is 18159 NW 61 Court, Miami, FL 33015. Nichole Leon lives at 18169 NW 61 Court, Miami, FL 33015. Verified thru public records on Miamidade.gov.
7. Page 7, Donna's signature is different from first two.
8. Page 7 or any other page, Notary does not indicate how Donna or witnesses were identified, ie: personally known or state identification.

The Quit Claim Deed
1. The document was prepared the day prior to Ms. Carbajal's death.
2. Initials of Ms. Carbajal do not match her signature or printed name.
3. Ms. Carbajal did not use or sign her full name of Donna Arelene Postel Carbajal on any official recorded documents or otherwise.
4. The witnesses are the same family members who witnessed the alleged Will.
5. The notary is the next door neighbor of one of the witnesses.

Therefore, I request a formal investigation into Ms. J. Herrera's violation of the above referenced Florida Statutes and by held criminally accountable if found to have committed the violations as stated.

I certify that the information in this complaint is true and correct to the best of my knowledge.

Signature Barbara Bearden Date June 23 2015

Attachment B

DISCHARGE INSTRUCTIONS FOR CARE

DIET/NUTRITION

☐ No special diet recommendations
☐ Follow nutrition recommendations as discussed, call the dietitian with any questions.

CURRENT PHYSICAL STATUS OF PATIENT

Activity Limitations: ☐ None ☐ Activities limited to: _____

ACTIVITIES	INDEP.	ASSIST.	UNABLE	COMMENTS
Bed-to-Chair				
Walking				
Stairs				
Wheelchair				
Crutches				
Cane				
Bed Rest				

ACTIVITIES	INDEP.	ASSIST.	UNABLE	COMMENTS
Bathing				
Dressing				
Eating				
Brushes Teeth				
Shaving				
Toileting				
Commode				
Bed Pan				
Urinal				

Method of Communication ☐ Verbal ☐ Non-verbal

INDEP = Independent **ASSIST** = Patient requires some assistance **UNABLE** = Patient is unable to perform or participate in activity

ADDITIONAL INSTRUCTIONS / PATIENT EDUCATION (Include symptoms to report to physician, if appropriate)

Signature of Patient and/or Individual receiving instructions

DETACH BEFORE WRITING BELOW THIS LINE

COPY OF INSTRUCTIONS GIVEN TO:

☐ Patient
☐ Family Member (specify): _____
☐ Responsible Party (specify): _____
☐ Copy not given, reason: _____

COMMENTS:

OBSERVATIONS AT TIME OF DISCHARGE:

Signature/Title (per center policy)

Date / Time 6/28/15 1130 ☐ AM ☐ PM

B

HCR ManorCare.

s. 119.071(5)(f) F.S.

Patient or Responsible Party Signature

3/23/15
Date

Patient's Name (Last, First, MI)	Attending Physician	Room Number	Patient Number
Cardoyel Donna	Bernard	3182	

Patient Informed Consent: Influenza Vaccination

CIS 106A (Rev: 09/09)

© 2009 HCR Manor Care

Attachment C

Department Menu

Commission Detail

Notary ID: 464444
Last Name: Herrera
First Name: J.
Middle Name:
Birth Date: 11/7/XX
Transaction Type: REN
Certificate: EE 881374
Status: ACT
Issue Date: 03/07/13
Expire Date: 03/06/17
Bonding Agency: Advantage Notary of Florida
Mailing Address: Miami, FL 33015-0000

[Department of State] [Notary Public Access System] [Email Us]

Florida Department of State Division of Corporations
P.O. Box 6327
Tallahassee, FL. 32314
Phone (850) 245-6945

STATE OF FLORIDA

THIS DOCUMENT HAS A LIGHT BACKGROUND ON TRUE WATERMARKED PAPER. HOLD TO LIGHT TO VERIFY FLORIDA WATERMARK.

BUREAU of VITAL STATISTICS

Attachment D

CERTIFICATION OF DEATH

s. 119.071(5)(f) F.S.

VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED

Ken Jones

State Registrar

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

REQ 2015992444

WARNING: THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND, GOLD EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THE DOCUMENT WILL NOT PRODUCE A COLOR COPY.

31873797

DH FORM 1946 (03-13)

CERTIFICATION OF VITAL RECORD

Florida HEALTH

Attachment E

LAST WILL AND TESTAMENT

of

Donna Postol Carbajal

I, Donna Postol Carbajal resident and domiciled in, Miami-Dade county, FL, do hereby revoke all Wills, Codicils and other testamentary dispositions heretofore made by me and do make, publish and declare this to be my Last Will and Testament in the manner and form as follows:

ARTICLE I

It is my intention by this Will to dispose of all my property, real, personal and mixed, including any and all property of whatever nature acquired after the execution of this Will, wheresoever situate.

ARTICLE II

I direct that all of my just debts, including unpaid charitable pledges whether or not the same are enforceable obligations of my estate, my funeral expenses and the cost of administration of my estate be paid out of the assets of my estate as soon as practicable after my death.

ARTICLE III

I direct that all estate and inheritance taxes and other taxes in the general nature thereof, together with any interest or penalty thereon, but not including any taxes imposed on generation-skipping transfers under the Federal tax laws, which shall become payable upon or by reason of my death with respect to any property passing by or under the terms of this Will or any Codicil to it hereafter executed by me, or with respect to the proceeds of any policy or policies of insurance on my life, or with respect to any other property (including property over which I have a taxable power of appointment) included in my gross estate for the purpose of such taxes, shall be paid by my Executrix or out of the principal of my residuary estate, and I direct that no part of any of such taxes be charged against or collected from the person receiving or in possession of the property or receiving the benefit thereof, it being my intention that all such persons, legatees, devisees, surviving tenant by

E

[illegible] beneficiaries receive full benefits without any diminution on account of such taxes.

ARTICLE IV

SPECIFIC BEQUESTS

I will, bequeath and devise my full Estate to Ismael De Leon and, all property which I may own at the time of my death, which includes real, personal, tangible and intangible, of every nature and wheresoever situate, including all property which I may acquire or become entitled to after the execution of this Will and including all lapsed legacies and devises except where specifically excluded by this instrument. Such property shall include any real property I may own or have an interest in, wherever situated, at the time of my death. My personal property shall include all furnishings, stocks, checking accounts, savings accounts, my business, and other items personal and of any value whatsoever, and not specifically devised above, in fee simple absolute.

ARTICLE V

I hereby nominate, constitute and appoint Ismael De Leon, to serve as my lawful executor without bond of this my Last Will and Testament. In the event that Ismael De Leon, should predecease me or cannot serve as executor of my estate, I nominate, constitute and appoint Nancy Gilbert to serve without bond as my first alternate executrix of this my Last Will and Testament.

ARTICLE VI

I hereby grant to my executor, with respect to any and all property, whether real or personal, of which I am the owner at the time of my death, or which shall at any time constitute part of my estate, all the rights and power given and granted to fiduciaries under the terms and provisions of FL statute, as hereafter may be amended, and those granted by FL common law. In addition to the powers heretofore granted my executor, I do further expressly grant to my executor the continuing absolute and sole discretionary power to sell, without Court order and without the consent, joinder or approval of any devisee, legatee, trust beneficiary or Judicial Authority, any or all personal and real

E

property, tangible and intangible, of which I am the owner at the time of my death or which is not connected to any aforementioned portion of this Will.

I further direct that no bond or other security shall be required of my executor for the faithful performance of his duties as my executor.

My executor shall be entitled to commissions at the rate payable to an executor under the laws of Fl. applicable at the time such services are rendered.

E

ARTICLE VII

PERSONAL STATEMENT

You are my dreams, my hope, my legacy and my immortality. I love you with all my heart and soul. I will always be with you for, you are part of me.

Love,

Donna Postel Carbajal

IN TESTIMONY WHEREOF, I, the said Testatrix, have hereunto set my hand and seal this the 11th day of May, 2015

Donna Postel Carbajal (SEAL)
(Testatrix) Donna Postel Carbajal

2775 W 62nd St 101
Hialeah, FL 33016
County of Miami-Dade

This Will, consisting of this and three (3) preceding typewritten pages, was signed in our presence by Donna Postel Carbajal and we, being at least 18 years of age, at his/her request and in his/her presence and in the presence of each other, sign our names as witnesses, this 11th day of May, 2015, at Hialeah, FL, Miami-Dade County.

WITNESS (Sign Name)	ADDRESS
[illegible]	484 West 66th St Hialeah, FL 33012
[illegible]	18169 N.W. 61 Ct. Miami FL 33015

E

NOTARY SECTION

STATE OF Florida

Miami Dade COUNTY

Before me, the undersigned authority, on this day personally appeared Donna Postel Carbajal, the Testatrix/or, Leonardo Diez (witness), Nicholas Leon (witness) and _____, the witnesses, respectively, whose names are signed to the attached or foregoing instrument. These persons being by me first duly sworn, the Testatrix/or declared to me and to the witnesses in my presence that the instrument is his/her Last Will and Testament; that he/she had willingly signed it in the presence of said witnesses as his/her free and voluntary act for the purposes therein expressed.

The witnesses stated before me that the foregoing Will was executed and acknowledged by the Testatrix/or as his/her Last Will in their presence and in his/her presence and at his/her request, they subscribed their names thereto as attesting witnesses and that the Testatrix/or, at the time of the execution of the Will, was over the age of eighteen (18) and of sound and disposing mind and memory.

J. HERRERA

Donna Postel Carbajal
Testatrix/or

Witness

Witness

Witness

THE STATE OF Florida

COUNTY OF Miami Dade

* No Notary Signature

E

Subscribed, sworn to and acknowledged before me by Hanna Postel Carbajal, the Testatrix/or and subscribed and sworn to before me by

Leonardo Diaz and Nichole Leon witnesses, this

17 day of May, 2015

(SEAL)

(SIGNED) [signature]

(PRINT) J. Herrera

Notary Public State of Florida

Miami Dade County

My Commission Expires: March 6, 2018

E

Self Proved Form

State of Florida

County of Miami-Dade

I, Donna Postel Carbajal, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will

Testator/ix (Donna Postel Carbajal)

We, Leonardo Diez and Nichole Leon, have been sworn by the officer signing below, and declare to that officer on our oaths that the testator/ix declared the instrument to be the testator's/ix will and signed it in our presence and that we each signed the instrument as a witness in the presence of the testator/ix and of each other.

Witness Leonardo Diez (Witness)

Witness Nichole Leon (Witness)

Acknowledged and subscribed before me by the testator/ix, (Donna Postel Carbajal), who is personally known to me or who has produced (state type of identification--see s. 117.05(5)(b)2.) as identification, and sworn to and subscribed before me by the witnesses, (type or print name of first witness) who is personally known to me or who has produced (state type of identification--see s. 117.05(5)(b)2.) as identification and (type or print name of second witness) who is personally known to me or who has produced (state type of identification--see s. 117.05(5)(b)2.) as identification, and subscribed by me in the presence of the testator/ix and the subscribing witnesses, all on (date)

(Signature of Officer)

(Print, type, or stamp commissioned name and affix official seal)

No formal ID or personally known indicated

J. Herrera
18101 N.W 61 COURT
MIAMI FL 33015

Attachment F

CFN 2015R0315961
OR BK 29619 Pgs 2879-2880 (2Pgs)
RECORDED 05/18/2015 10:45:36
DEED DOC TAX $0.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 11th day of May,
(year), 2015

by first party, Grantor, Donna Arlene Postel Carbajal

whose post office address is 2775 W 62nd St Apt 101, Hialeah, FL 33016

to second party, Grantee, Ismael L De Leon

whose post office address is 2775 W 62nd St Apt 101, Hialeah, FL 33016

WITNESSETH, That the said first party, for good consideration and for the sum of Ten Dollars ($10.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Miami- Dade , State of Florida to wit:

Unit 97, Building 8, of RESIDENCIAL EL PRADO CONDOMINIUM, a Condominium according to the Declaration of Condominium as recorded in O.R. Book 12777, page 1816, of Public Records of Dade County, Florida, together with an undivided interest in the Common Elements appurtenant thereto as set forth in the Declaration.

Folio # 04-2034-141-1330

04-2034-141-1330 Page 1 of 2.

[Signatures on following page.]

DL
Initials of First Party

AHAAAEZB

OR BK 29619 PG 2880
LAST PAGE

F

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Signature of Witness

Leonardo Diez
Print name of Witness

Signature of Witness

Nichole Leon
Print name of Witness

Donna Arlene Postel Carbajal
Signature of First Party, Grantor

DONNA ARLENE POSTEL CARBAJAL
Print name of First Party

Signature of First Party, Grantor

Print name of First Party

STATE OF Florida
COUNTY OF Miami Dade } J. Herrera, Notary Public
On May 11, 2015 before me, ~~Donna Arlene Postel Carbajal~~ th
appeared Donna Arlene Postel Carbajal
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary

(Seal)

J. HERRERA
MY COMMISSION EXPIRES MAR 06, 2017
#EE881374
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Affiant ___ Known X Produced ID
Type of ID C612-175-48-525-0
FL Drivers License

Signature of Preparer

J. Herrera
Print Name of Preparer

18159 N.W. 68 Court
Address of Preparer
Miami, FL 33015

Page 2 of 2.

Initials of First Party

AHAAAEZB

L12 00000 7892
Attachment 6

MIAMI V.I.P. REMOVAL SERVICES

Quality of service is our concern we specialize in home removal as well all other removal and long distance ANYWERE IN FLORIDA

18326 N.W. 68th Ave Suite #E, Miami Gardens, Fl 33015
Ph: 305-763-3912 Fax: 305-231-3381

Date: 5/12/15 Time Received 734 A.M. [ ] P.M. [X] Call No. 3866

Bill To: ALLEN & BURO Requested By: VBLL

Name of Deceased: IYMNA CARBAJAL

Removed From: 2875 W 62 ST APT 101 HIA FLA 33016

Transferred To: ALLEN & BURO

Time of Death: 700 A.M. [ ] P.M. [X] Date of Death: 5/12/15

- [ ] Inpatient
- [ ] Nursing Home
- [X] House Call
- [ ] Hospice
- [ ] M.E.
- [ ] Other

Yellow Team
Physician: DR VILLALBA Phone: 305-822-2380

Next of Kin: ISMAEL DE LEON Relationship: SPOUSE

States He is Spouse -

Phone: 786-863-5725

Date of Birth: 1/30/1948 Age: 67 Soc. Sec.#

Aprox. Weight: 210

Personal Effects Yes [ ] No [X] Race: WHT FEMALE

8004197

Releasing Authority

Vehicle # 1 Driver 1 Att. ANTONIO JUSTO

ME 833025
Ex 3-827-0001
Carlin

TOTAL LOADED MILES

G

Deceased
Donna Carbajal
2375 W 62nd St
Apt 101
Hialeah Fl 33016
386 516 6683
Catholic Hospice

Carla

Dob [illegible] 1978
Dod 05 12 2015
Tall [illegible]
SS
Weight 120 lbs

Nok husband
Ismael De Leon
786 863 5225

VIP take paperwork

Sent from Vel [illegible] Allen & Shark Cremations

Attachment H

IN THE CIRCUIT COURT FOR **MIAMI-DADE** COUNTY, FLORIDA
PROBATE DIVISION

IN RE: **DONNA CARBAJAL**

File No. 2015-2112
Div. 01

Deceased.

FILED FOR RECORD
MAY 22 AM 11:15

EMERGENCY ORDER
TO STOP CREMATION OF THE DECEDENT

THIS CAUSE having come on to be heard on May 22, 2015, on Petitioner, the niece of the decedent, **LORI BEARDEN**'s Emergency Petition to Stop Cremation of the decedent of Donna Carbajal and the Court having heard argument of counsel, and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED that said Petition be, and the same is hereby Granted, the decedent's body not be cremated at this time and that an autopsy be performed.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 22 day of May, 2015.

CIRCUIT COURT JUDGE

MICHAEL A. GENDEN
CIRCUIT JUDGE

Copies furnished to:
David Mangiero, Esq.
Allen & Shaw Cremation

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 MAY 22 2015
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk

ALISON AINSLEY

Attachment I

IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY, FLORIDA
PROBATE DIVISION

IN RE: DONNA CARBAJAL

Deceased.

File No.
Div.

EMERGENCY PETITION
TO STOP CREMATION OF THE DECEDENT

Petitioner, LORI BEARDEN alleges:

1. Petitioner has an interest in the above matter as Niece. Petitioner's address 13624 SW 110 Ct., Miami, Florida 33176 and the name and office address of petitioner's attorney are set forth at the end of this petition.

2. The decedent, DONNA CARBAJAL, whose last known address was is 2775 W. 62 St., Hialeah, Florida 33176, and, if known, whose age was 67, and whose social security number are xxx-xx-3367 died on May 12, 2015, in her home, 2775 W 62 Street, Hialeah, Florida 33176.

3. The decedent's body is currently located at Allen & Shaw Cremation, 13931 NW 20 Ct., Opa Locka, Florida 33054.

4. The next-of-kin of the decedent their addresses and relationship to decedent, and the dates of birth of any who are minors, are:

NAME ADDRESS	RELATIONSHIP	BIRTH DATE (if Minor)
Barbara Bearden 7703 SW 102 Pl. Miami, Fl. 33173	Sister	Adult
Nancy Gilbert 1318 Woodfair Richmond, Tx. 77406	Sister	Adult

5. Both, Barbara Bearden and Nancy Gilbert, have consented to this petition.

6. Shortly after May12, 2015, Ismael De Leon, a live-in-friend of the decedent, alleged he was the only next-of-kin and directed Allen & Shaw Cremation to forego an autopsy and cremate the decedent's body.

7. When the family members of the decedent discovered her passing they immediately attempted to deal directly with Allen & Shaw Cremation. However, they were unable to make any decisions regarding the decedent's body because Ismael De Leon appeared

I

any decisions regarding the decedent's body because Ismael De Leon appeared with what he purports to be the Last Will and Testament of Donna Carbajal. The Will is date May 11, 2015.

8. Ismael De Leon is named Personal Representative in the purported Last Will and Testament.

9. Furthermore, it is the belief of the family members that the decedent was in good health prior to her unexpected death.

10. Family members are extremely concerned by the nature and circumstances surrounding the decedent's death and would like an autopsy done of the decedent's body to rule out any suspicions.

11. Allen & Shaw Cremation has requested an Order from this Court to substantiate their actions in disregarding the proposed Personal Representatives directives to cremate the body of the decedent.

WHEREFORE, Petitioner respectfully requests that an Order be entered authorizing the decedent's body not to be cremated at this time and that an autopsy be performed.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on May 21, 2015.

[redacted], Petitioner

DAVID MANGIERO, ESQ.
Florida Bar No. 818110
JUAN DE LA RIVA, ESQ.
Florida Bar No. 109620
Attorney for Petitioner
PALMER, PALMER & MANGIERO
13790 S. Dixie Highway
Miami, Florida 33156
Telephone (305) 378-0011
Fax (305) 378-5512
E-Mail Address: service@pppmpalaw.com
davidm@pppmpalaw.com
juan@pppmpalaw.com

Attachment J

IN THE CIRCUIT COURT FOR **MIAMI-DADE** COUNTY, FLORIDA PROBATE DIVISION

IN RE:
L
DONNA CARBAJAL

File No. 15-2112

Div. 01

Deceased.

_____/

CAVEAT BY INTERESTED PERSON
(Other than creditor)

- The interest of the caveator is possible heir of **DONNA CARBAJAL** deceased, whose last known address is 2775 W. 62 Street, Hialeah, Florida, 33176, and the last four digits of whose social security number, if known, are #3367, and who died on or about May 12, 2015.
- Caveator's name, mailing address, and residence address are: Barbara Bearden, 7703 SW 102 Place, Miami, Fl. 33173
- Caveator, hereby designates David Mangiero, Esq., who is a member of The Florida Bar, a resident of Broward County, Florida, whose specific office address is 12790 S. Dixie Highway, Miami, Fl. 33156, and whose post office is the same, as caveator's agent for the service of notice and consents that service of notice on the agent shall bind the caveator.

Caveator requests that the Court not admit a Will of the decedent to probate or appoint a personal representative without formal notice on caveator or her designated agent, and that caveator be given such additional notice as the Florida Probate Rules require.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on May 22, 2015.

Barbara Bearden
Caveator

ACCEPTANCE

I CERTIFY that I am a resident of Broward County, Florida, and my office address is indicated above. I hereby accept the foregoing designation as Resident Agent.

Signed on May 22, 2015.

email to Property Appraiser notifying of Deed Fraud & Court Case

Lori Bearden - RE: Folio #04-2034-141-1330 2775 W. 62 St. #101

Attachment K

From: "PAWebMail (PA) (305) 375-1205" <pawebmail@miamidade.gov>
To: "'Lori Bearden'" <lbearden@bop.gov>
Date: 6/24/2015 10:36 AM
Subject: RE: Folio #04-2034-141-1330 2775 W. 62 St. #101

Dear Lori Bearden,

Thank you for contacting our office.

As soon as you have all the recorded documentation, please forward copies to our Clerk of Courts Deed Section.

For further assistance pertaining to this matter, please contact our Deed Section directly at 305-375-2641.

Sincerely,
Public Service/Exemptions
How can we help YOU?
Miami-Dade Property Appraiser
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www.MiamiDade.gov/pa

We'd like to know how we can improve our office and the service we provide. Please click here to send us your comments.

From: Lori Bearden [mailto:lbearden@bop.gov]
Sent: Wednesday, June 24, 2015 10:14 AM
To: PAWebMail (PA) (305) 375-1205
Cc: barbarabearden@hotmail.com
Subject: Folio #04-2034-141-1330 2775 W. 62 St. #101

Good morning,

I am sending the information on behalf of my mother, Barbara Bearden, as next of Kin to the Owner, Donna Carbajal, for the above property.

On 5-12-15, Donna Carbajal died. On 5-18-15, Ismael De Leon went to the Clerk of the Court and recorded a fraudulent and forged Quit Claim Deed. The Deed Fraud was reported to MDPD today.

I am proceeding in court to resolve the issue, case #20015-2112, and the attorney is David Mangiero and Lian De La Riva. The attorneys will be filing a Lis Pends against the property.

The Gaurdian Ad Litem for the estate is Kenneth Lancaster.

Please feel free to contact Barbara Bearden at 305-761-1154 should you need further information.

Thank you for your assistance in this matter.

Sincerely,
Lori Bearden, for Barbara Bearden

Lori Bearden
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Federal Bureau of Prisons
B Unit Case Manager
Federal Correctional Institution
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