

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
ABC MERCHANT SOLUTIONS, LLC,

Index No.

Plaintiff,

AFFIDAVIT OF CONFESSION OF  
JUDGMENT

-against-

STAR PERFORMANCE REALTY INC. d/b/a REMAX  
SOUTH SHORE REALTY, DOUGLAS W DUNCAN,  
AND JANELLE M DUNCAN,

Defendants.

-----X

STATE OF FLORIDA )

) ss.:

COUNTY OF PASCO )

DOUGLAS W DUNCAN, being duly sworn, deposes and says:

1) I am a principal, owner, and an officer of STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY, a Corporation located at 10445 GIBSENTON DR, RIVERVIEW, FL 33578 in the County of PASCO, and as such, I have the authority to act on behalf of STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY, and have been authorized to execute this affidavit of confession of judgment. (STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY is referred to as "Merchant Defendant".)

2) I reside at 10033 VICTORY GALLOP LOOP, SUN CITY CENTER, FL 33573, in the County of HILLSBOROUGH.

3) I, individually, and on behalf of Merchant Defendant consent to the jurisdiction of this Court.

4) Merchant Defendant hereby confesses judgment and authorizes entry of judgment in favor of Plaintiff and against Defendants in the Federal District Court for the Southern District of New York, Supreme Court of the State of New York, County of Richmond, Supreme Court of the State of New York, County of Queens, Supreme Court of the State of New York, County of Erie, Supreme Court of the State of New York, County of Nassau, Supreme Court of the State of New York, County of Westchester, Supreme Court of the State of New York, County of Putnam, Supreme Court of the State of New York, County of Orange, Supreme Court of the State of New York, County of Ontario, Supreme Court of the State of New York, County of New York, and/or Supreme Court of the State of New York, County of Bronx, in the sum of \$59,960.00 less any

payments timely made pursuant to the secured Merchant Agreement dated December 5, 2017, plus legal fees to Plaintiff calculated at twenty-five percent (25%) of the total of the aforesaid sums, costs, expenses and disbursements and interest at the rate of 16% per annum from December 5, 2017, or the highest amount allowed by law, whichever is greater. Such amount shall be set forth in an affidavit to be executed by Plaintiff or an affirmation by Plaintiff's attorney, which shall be attached hereto at the time of entry of this Affidavit of Confession of Judgment.


5) In addition, I hereby confess judgment, individually and personally, jointly and severally, and authorize entry of judgment in favor of Plaintiff and against myself in the Federal District Court for the Southern District of New York, Supreme Court of the State of New York, County of Richmond, Supreme Court of the State of New York, County of Queens, Supreme Court of the State of New York, County of Erie, Supreme Court of the State of New York, County of Nassau, Supreme Court of the State of New York, County of Westchester, Supreme Court of the State of New York, County of Putnam, Supreme Court of the State of New York, County of Orange, Supreme Court of the State of New York, County of Ontario, Supreme Court of the State of New York, County of New York, and/or Supreme Court of the State of New York, County of Bronx, against me personally in the sum of \$59,960.00 less any payments timely made pursuant to the Merchant Agreement dated December 5, 2017, plus legal fees to Plaintiff calculated at twenty five percent (25%) of the total of the aforesaid sums, costs, expenses and disbursements and interest at the rate of 16% per annum from December 5, 2017, or the highest rate allowed by law, whichever is greater. Such amount shall be set forth in an affidavit to be executed by Plaintiff or an affirmation by Plaintiff's attorney, which shall be attached hereto at the time of entry of this Confession of Judgment.

6) This confession of judgment is for a debt due to Plaintiff arising from Defendants' failure to pay to Plaintiff, Merchant Defendant's accounts-receivable, which were purchased by Plaintiff pursuant to the secured Merchant Agreement dated December 5, 2017, and for Defendants' breach of the secured Merchant Agreement, plus agreed-upon interest, attorneys' fees, costs and disbursements, as agreed-upon by Merchant Defendant and myself, under the secured Merchant Agreement, dated December 5, 2017, of which supporting documents include a Personal Guarantee and/or a UCC-1 financing statement(s).

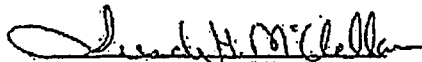
7) Merchant Defendant and I hereby agree that this Affidavit of Confession of Judgment may be entered in the event of default under the Merchant Agreement dated December 5, 2017, without notice, and that the execution and delivery of this Affidavit of Confession of Judgment and any entry of judgment thereon shall be without prejudice to any and all rights of Plaintiff, which reserves all of its rights and remedies against Defendants.

**Remainder of page intentionally left blank**

8) If for any reason entry of judgment in the above specified amount or execution on the same is outside the jurisdiction of this Court, Merchant Defendant and I hereby consent to the personal jurisdiction, entry of judgment, and execution thereon in any State or Federal Court of the United States of America.

By:   
DOUGLAS W DUNCAN, individually, and  
on behalf of STAR PERFORMANCE  
REALTY INC. d/b/a REMAX SOUTH  
SHORE REALTY

On the 8<sup>th</sup> day of December, in the year 2017, before me, the undersigned Notary Public in and for said state, personally appeared DOUGLAS W DUNCAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

-----X  
ABC MERCHANT SOLUTIONS, LLC,

Index No.

Plaintiff,

AFFIDAVIT OF CONFESSION OF  
JUDGMENT

-against-

STAR PERFORMANCE REALTY INC. d/b/a REMAX  
SOUTH SHORE REALTY, DOUGLAS W DUNCAN,  
AND JANELLE M DUNCAN,

Defendants.

-----X

STATE OF FLORIDA )

) ss.:

COUNTY OF PASCO )

JANELLE M DUNCAN, being duly sworn, deposes and says:

1) I am a principal, owner, and an officer of STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY, a Corporation located at 10445 GIBSENTON DR, RIVERVIEW, FL 33578 in the County of PASCO, and as such, I have the authority to act on behalf of STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY, and have been authorized to execute this affidavit of confession of judgment. (STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY is referred to as "Merchant Defendant".)

2) I reside at 10033 VICTORY GALLOP LOOP, SUN CITY CENTER, FL 33573, in the County of HILLSBOROUGH.

3) I, individually, and on behalf of Merchant Defendant consent to the jurisdiction of this Court.

4) Merchant Defendant hereby confesses judgment and authorizes entry of judgment in favor of Plaintiff and against Defendants in the Federal District Court for the Southern District of New York, Supreme Court of the State of New York, County of Richmond, Supreme Court of the State of New York, County of Queens, Supreme Court of the State of New York, County of Erie, Supreme Court of the State of New York, County of Nassau, Supreme Court of the State of New York, County of Westchester, Supreme Court of the State of New York, County of Putnam, Supreme Court of the State of New York, County of Orange, Supreme Court of the State of New York, County of Ontario, Supreme Court of the State of New York, County of New York, and/or Supreme Court of the State of New York, County of Bronx, in the sum of \$59,960.00 less any

payments timely made pursuant to the secured Merchant Agreement dated December 5, 2017, plus legal fees to Plaintiff calculated at twenty-five percent (25%) of the total of the aforesaid sums, costs, expenses and disbursements and interest at the rate of 16% per annum from December 5, 2017, or the highest amount allowed by law, whichever is greater. Such amount shall be set forth in an affidavit to be executed by Plaintiff or an affirmation by Plaintiff's attorney, which shall be attached hereto at the time of entry of this Affidavit of Confession of Judgment.

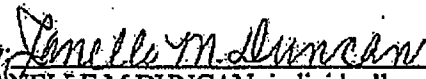
5) In addition, I hereby confess judgment, individually and personally, jointly and severally, and authorize entry of judgment in favor of Plaintiff and against myself in the Federal District Court for the Southern District of New York, Supreme Court of the State of New York, County of Richmond, Supreme Court of the State of New York, County of Queens, Supreme Court of the State of New York, County of Erie, Supreme Court of the State of New York, County of Nassau, Supreme Court of the State of New York, County of Westchester, Supreme Court of the State of New York, County of Putnam, Supreme Court of the State of New York, County of Orange, Supreme Court of the State of New York, County of Ontario, Supreme Court of the State of New York, County of New York, and/or Supreme Court of the State of New York, County of Bronx, against me personally in the sum of \$59,960.00 less any payments timely made pursuant to the Merchant Agreement dated December 5, 2017, plus legal fees to Plaintiff calculated at twenty five percent (25%) of the total of the aforesaid sums, costs, expenses and disbursements and interest at the rate of 16% per annum from December 5, 2017, or the highest rate allowed by law, whichever is greater. Such amount shall be set forth in an affidavit to be executed by Plaintiff or an affirmation by Plaintiff's attorney, which shall be attached hereto at the time of entry of this Confession of Judgment.

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7) Merchant Defendant and I hereby agree that this Affidavit of Confession of Judgment may be entered in the event of default under the Merchant Agreement dated December 5, 2017, without notice, and that the execution and delivery of this Affidavit of Confession of Judgment and any entry of judgment thereon shall be without prejudice to any and all rights of Plaintiff, which reserves all of its rights and remedies against Defendants.

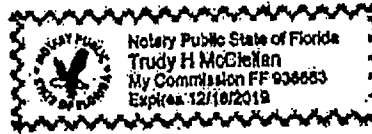
**Remainder of page intentionally left blank**

8) If for any reason entry of judgment in the above specified amount or execution on the same is outside the jurisdiction of this Court, Merchant Defendant and I hereby consent to the personal jurisdiction, entry of judgment, and execution thereon in any State or Federal Court of the United States of America.

By:   
JANELLE M DUNCAN, individually, and  
on behalf of STAR PERFORMANCE  
REALTY INC. d/b/a REMAX SOUTH  
SHORE REALTY

On the 8<sup>th</sup> day of December, in the year 2017, before me, the undersigned Notary Public in and for said state, personally appeared JANELLE M DUNCAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public



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Index No.	Year	RJI No.	Hon.
SUPREME COURT OF THE STATE OF NEW YORK			
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ABC MERCHANT SOLUTIONS LLC,

Plaintiff,

-against-

STAR PERFORMANCE REALTY INC. d/b/a REMAX SOUTH SHORE REALTY, DOUGLAS W DUNCAN, and JANELLE M DUNCAN,

Defendants.

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**AFFIDAVIT OF CONFESSION OF JUDGMENT**

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**RENATA BUKHMAN, ESQ.**  
*Attorney for Plaintiff*

*Office and Post Office Address, Telephone*  
**17 STATE STREET**  
**SUITE 4000**  
**NEW YORK, NEW YORK 10004**  
**PHONE: (646) 774-3308**  
**FAX: (978) 313-6609**

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for

Please take notice  
 Notice of Entry  
that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within name court on  
 Notice of settlement  
that an order of which the within is a true copy will be presented for  
settlement to the HON. one of the judges  
of the within named court, at on at  
Dated,

Yours, etc.

Attorney(s) for