

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK, AS
TRUSTEE FOR THE CERTIFICATEHOLDERS
OF CWALT, INC., ALTERNATIVE LOAN
TRUST 2007-11T1, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-11T1,

CASE NO: 31-2012-CA-001424

Plaintiff(s),

v.

FIRAS ALSAYED; WAFI ALSAYED; 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; FALCON
TRACE HOMEOWNERS ASSOCIATION, INC.;
FALCON TRACE AT VERO BEACH MASTER
ASSOCIATION, INC.; UNKNOWN TENANT
#1; UNKNOWN TENANT #2;

Defendant(s).

FILED FOR RECORD
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
2014 MAY -5 AM 9:10

CONSENT FINAL JUDGMENT OF FORECLOSURE IN REM
(Form Approved by 19th Circuit Administrative Order 2011-1)

Note: This final judgment format may only be modified by adding language in sequentially numbered paragraphs beginning with paragraph 11. Attorneys may be sanctioned for submitting a final judgment which improperly varies the approved format.

This action was heard before the court on the plaintiff's Non-Jury Trial of Final Judgment on May 2, 2014. On the evidence presented;

IT IS ADJUDGED that:

1. **Final judgment granted.** Final judgment is granted in favor of Plaintiff.

2. **Amounts Due.** Plaintiff, **THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2007-11T1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-11T1**, is due:

Principal	\$446,732.08
Interest on the note and mortgage from 1/1/2009 to 3/28/2014	\$151,978.17

Per diem interest at **6.625%** from **3/29/2014**

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to 5/2/2014	\$2,623.95
Title search expense	\$875.00
Taxes for the years of	\$22,219.47
MIP/PMI Insurance premiums for the years of	\$364.17
Insurance for the years of	\$15,805.00
Late Charges	\$728.70
Attorneys' fees	
Finding as to reasonable number of hours:
Finding as to reasonable hourly rate:
Other*:	
(*The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)	
Attorneys' fees total	\$0.00
Court costs	
Court Costs	\$952.00
Filing fee	\$3,949.50
Service of Process	\$426.30
Publication	\$0.00
Skip Trace Fee	\$0.00
Recording Fee	\$24.50
Additional Costs	
Property Inspections	\$2,452.25
Subtotal	\$649,131.09
LESS: Escrow balance	\$3,228.58
LESS: Unearned insurance premiums
LESS: Other
TOTAL	\$645,902.51

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in **Indian River** County, Florida:

LOT 255, FALCON TRACE-PLAT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 76, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: **1815 SPOTTED OWL DRIVE SW, VERO BEACH, FL 32962**

5. **Sale of Property.** If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on Sept. 3, 2014, to the highest bidder for cash, except as prescribed in paragraph 6,:



by electronic sale at **www.indian-river.realforeclose.com** beginning at **10:00 AM**

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in accordance with section 45.031, Florida Statutes The public sale shall not be postponed or canceled without a court order, and shall proceed regardless of whether plaintiff, a plaintiff's representative, or plaintiff's counsel is present. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. two business days before the sale date. Counsel for plaintiff must be certain that the clerk has the original proof of publication of the notice of sale on file no less than three business days before the sale date. Failure to file the original proof of publication of the notice of sale will not stop the sale, however the certificate of sale will not issue until the original proof of publication of notice of sale is filed. The failure of plaintiff's counsel to properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff's counsel individually, and the law firm representing the plaintiff. If the original proof of publication of the notice of sale is not filed with the clerk within ten calendar days after the sale, an order will be entered directing the plaintiff to show cause why the sale should not be vacated and the case dismissed with or without prejudice. The fact that an attorney has a high volume practice will not be a showing of good cause.

Any electronic sale by the clerk shall be in accordance with the written administrative policy for electronic sales published by the clerk at the official website for the clerk and posted in the public areas of the clerk's offices.

6. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The clerk shall receive the service charge imposed in Section 45.031, Florida Statutes.

7. **Distribution of Proceeds.** On filing the certificate of title, the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

8. **Right of Redemption.** On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.

9. **Right of Possession.** Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property, subject to the provisions of the "Protecting Tenant at Foreclosure Act of 2009."

10. **Jurisdiction Retained.** This Court retains jurisdiction of this cause for the purpose of making any and all further orders and judgments herein as may be necessary and appropriate, including, without limitation, writs of possession, awards of attorney's fees to the Plaintiff or its assigns, orders to reforeclose. Plaintiff's Mortgage against omitted lienors when and if such appears proper.

11. In the event the proceeds of the post-judgment sale are insufficient to pay Plaintiff's claim, Plaintiff agrees to waive its right to pursue an action for deficiency against Defendant and hold Defendant harmless for any deficiency debt arising from this action that is owed to Plaintiff.

12. The Court retains jurisdiction to this cause for the purpose of making any and all further orders and judgments herein as may be necessary and appropriate, for attorney's fees to Defendant in

accordance with the Stipulation for Consent to Entry of Judgment entered into by the parties on April 30, 2014.

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, FOR INDIAN RIVER COUNTY, TELEPHONE NUMBER (772) 770-5185 2000 16TH AVENUE, VERO BEACH, FL 32960, WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA INSTITUTIONAL LEGAL SERVICES, INC. - GAINESVILLE, (352) 375-2494, FILS@BELLSOUTH.NET TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT FLORIDA INSTITUTIONAL LEGAL SERVICES, INC. - GAINESVILLE, (352) 375-2494, FILS@BELLSOUTH.NET FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED this 2nd day of May, 2014.

Circuit Judge

Copies Furnished by U.S. Mail to:

SERVICE LIST

CASE NUMBER: 31-2012-CA-001424

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Last Known Address

CURRENT TENANTS, IF ANY
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