

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 08-0198-CA09

COUNTRYWIDE HOME LOANS, INC.,
Plaintiff,

vs.

JAMES J. CARPENTER; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC. ACTING SOLELY AS A NOMINEE FOR
COUNTRYWIDE KB HOME LOANS, A
COUNTRYWIDE MORTGAGE VENTURES,
LLC; MATTHEW C. CARPENTER;
UNKNOWN SPOUSE OF JAMES J.
CARPENTER; UNKNOWN SPOUSE OF
MATTHEW C. CARPENTER; JOHN DOE;
JANE DOE AS UNKNOWN TENANT (S) IN
POSSESSION OF THE SUBJECT PROPERTY,
Defendants.

FILED IN OPEN COURT
Date 12-1-08
By JH YCS

FINAL JUDGMENT OF MORTGAGE FORECLOSURE

(Pursuant to Administrative Order No. 06-02 A1)

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on December 1, 2008,. On the evidence presented **IT IS ADJUDGED** that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over JAMES J. CARPENTER; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS A NOMINEE FOR COUNTRYWIDE KB HOME LOANS, A COUNTRYWIDE MORTGAGE VENTURES, LLC; JANE DOE; JOHN DOE; MATTHEW C. CARPENTER; UNKNOWN SPOUSE OF JAMES J. CARPENTER; UNKNOWN SPOUSE OF MATTHEW C. CARPENTER; JOHN DOE; JANE DOE defendants.

2. There is due and owing to the Plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$ <u>180,912.00</u>
Interest on the note and mortgage from July 1, 2007 to December 1, 2007 (Per Diem: \$40.89)	\$ <u>22,438.70</u>
Filing Fee	\$ <u>277.50</u>
Service of Process	\$ <u>450.00</u>
Property Preservation	\$ <u>30.00</u>
Pre-Acceleration Late Charges	\$ <u>124.38</u>
Taxes	\$ <u>856.01</u>
Title Search and Review	\$ <u>325.00</u>
SUBTOTAL	\$ <u>205,413.59</u>
Attorney fees based upon 8 hours at \$150 per hour	\$ <u>1,200.00</u>
GRAND TOTAL	\$ <u>206,613.59</u>

3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.
4. Plaintiff, whose address is 7105 CORPORATE DRIVE, PLANO, TX 75024, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116. The plaintiff's lien encumbers the subject property located in Indian River County, Florida and described as:

LOT 1, BLOCK G OF POINT WEST NORTH VILLAGE, PHASE III PD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE(S) 22 THROUGH 26, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: **1712 POINTE WEST WAY, VERO BEACH, FL 32966**

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on 12 day of January, 2008, at 11:00 A.M to the highest bidder for cash, except as prescribed in Paragraph 6, Jury Assembly Room, Indian River County Courthouse, 2000 16th Avenue, Vero Beach, Florida 32960, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk shall not conduct the sale in the absence of the plaintiff or its representative.
6. 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. 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, for services in making, recording, and certifying the sale and title that shall be assessed as costs.
7. On the filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.
8. On the 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 the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.

9. Upon filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.
10. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 8 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$150.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

11. NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA ST (2006)

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, 2000 16th Avenue, Vero Beach, Florida 32960 (Telephone: (772) 770-5185, Circuit Civil Division), WITHIN TEN (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 RURAL LEGAL SERVICES, 200 S. INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FLORIDA 34950 (772) 770-5185, 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 THE FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

11. If Plaintiff is the Purchaser at the sale, Plaintiff's bid is hereby assigned FEDERAL NATIONAL MORTGAGE ASSOCIATION, and the Clerk of Court is hereby directed to issue a Certificate of Title to assignee named therein.

12. The Court retains jurisdiction on this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments, except where a discharge is applicable or where service of process was not personally obtained.

ORDERED at Indian River Florida on December 1, 2008.

Robert A. Hawley
Circuit Judge

Copies sent to:
Law Office of Marshall C. Watson
1800 NW 49th Street, Suite 120
Fort Lauderdale, Florida 33309
Telephone: (954) 453-0365
Facsimile: (954) 771-6052
Toll Free: 1-800-441-2438

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MAILING LIST

Case No.: 08-0198-CA09

JAMES J. CARPENTER
340 NW EMILIA WAY
JENSEN BEACH, FL 34957

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC
3300 SOUTHWEST 34TH AVENUE, SUITE 101
OCALA, FL 34474

UNKNOWN TENANTS
1712 POINTE WEST WAY
VERO BEACH, FL 32966

MATTHEW C. CARPENTER
340 NW EMILIA WAY
JENSEN BEACH, FL 34957

UNKNOWN SPOUSE OF JAMES J. CARPENTER
340 NW EMILIA WAY
JENSEN BEACH, FL 34957

UNKNOWN SPOUSE OF MATTHEW C. CARPENTER
340 NW EMILIA WAY
JENSEN BEACH, FL 34957