

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

CASE NO: 2008-2655-CA-09

THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS
TRUSTEE OF BSALTA 2005-09

Plaintiff(s),

FILE IN OPEN COURT
Date 6-8-09
By CS

v.

CHRISTOPHER JOHN FLAIG A/K/A CHRISTOPHER J. FLAIG; CYNTHIA FLAIG A/K/A
CYNTHIA S. FLAIG A/K/A CINDY FLAIG; BANK OF AMERICA, N.A., and any unknown heirs,
deviseses, grantees, creditors, and other unknown persons or unknown spouses claiming by, through and
under any of the above-named Defendants,

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on June 8, 2009. Based on the evidence presented and being otherwise fully informed in the premises,

IT IS ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over CHRISTOPHER JOHN FLAIG A/K/A CHRISTOPHER J. FLAIG; CYNTHIA FLAIG A/K/A CYNTHIA S. FLAIG A/K/A CINDY FLAIG; BANK OF AMERICA, N.A., and any unknown heirs, devisees, grantees, creditors, and other unknown persons or unknown spouses claiming by, through and under any of the above-named Defendants, defendants.

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

| | |
|---|--------------|
| Principal due on the note secured by the mortgage foreclosed: | \$595,000.00 |
| Interest on the note and mortgage from 4/01/2008 to 1/02/2009 | |
| Per diem interest at \$107.43 from 4/01/2008 to 1/02/2009 | \$ 27,552.55 |
| Interest on the note and mortgage from 1/03/2009 to 6/08/2009 | |
| \$107.43 per diem x 157 days | \$ 16,866.51 |
| Late Charges | \$ 322.30 |
| Escrow Advances | \$ 0.00 |
| Title search expenses | \$ 400.00 |
| Taxes for the year(s) | \$ 1,988.62 |
| Insurance premiums | \$ 0.00 |
| Court Costs: | \$ 796.10 |

-SUBTOTAL \$642,926.08

Additional Costs:

Property Preservation Fees \$ 75.00
 EXPEDITED PO SVC FEE \$ 30.00
 SUBTOTAL \$643,031.08

Attorney fees based at \$175.00 per hour \$ 1,300.00
 Less: Undisbursed escrow funds -\$ 0.00
 Less: Unearned insurance premiums -\$ 0.00
 Less: Miscellaneous deductions or credits -\$ 0.00

TOTAL DUE \$644,331.08

3. The total sum 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, MS PTX-B-35, Plano, TX 75024, holds a lien for the 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 Hillsborough County, Florida and described as:

Lot 9, Block 14, VERO SHORES- UNIT ONE, according to the plat thereof, as recorded in Plat Book 5, page 52, of the Public Records of Indian River County, Florida.

Property Address: 2203 6th Avenue SE, Vero Beach, FL 32962

5. If the total sum 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 August 12, 2009, at 2:00 P.M. to the highest bidder for cash, except as prescribed in Paragraph 6, at the 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 required 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.

7. If Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 5 herein, Plaintiff may, by written motion served on all parties, seek to amend this final judgment to include said additional expenses.

8. 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 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 3 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

9. On 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. On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.

10. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that \$1,200.00 was reasonably expended by plaintiff's counsel and that an hourly rate of \$175.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES 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 THIS FINAL JUDGMENT.

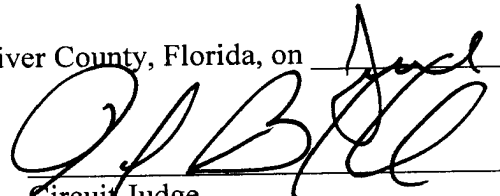
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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 RIGHT 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 (TELEPHONE: 1-888-582-3410), 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 RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

DONE AND ORDERED at Vero Beach, Indian River County, Florida, on June 8, 2009.


Circuit Judge

Copies furnished to:

Lauren Ann Cascino, Esquire
BUTLER & HOSCH, P.A.
3185 South Conway Road, Suite E
Orlando, Florida 32812
Attorney for Plaintiff

Christopher John Flaig a/k/a Christopher J. Flaig
2203 6th Avenue SE
Vero Beach, FL 32962

Cynthia Flaig a/k/a Cynthia S. Flaig a/k/a Cindy Flaig
2203 6th Avenue SE
Vero Beach, FL 32962

Bank of America, N.A.
c/o: CT Corp (RA)
1200 S Pine Island Rd
Plantation, FL 33324