

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

CITIMORTGAGE, INC.

CASE NO: 31-2010-CA-010140

Plaintiff,

v.

MICHAEL D. YEITTER; DONIELLE YEITTER; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS; AND UNITED STATES OF AMERICA, BY AND THROUGH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Defendant(s).

BY:  D.C.
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL

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FINAL JUDGMENT OF FORECLOSURE

THIS ACTION came before the Court for non-jury trial on August 24, 2012 and after hearing testimony from Kevin Smith, a business operations analyst for Citimortgage, and Donielle and Michael Yeitter, receiving evidence, argument and being otherwise duly advised in the premises, finds that although Defendants may have been offered a temporary modification agreement in 2009 and paid \$2,215.04 on June 18, 2009 as required under that temporary modification agreement; there is no evidence that any payments have been made since that time; the Court finds that the mortgage is in default; that the loan was accelerated and a default letter sent on October 2, 2009; and it is

ORDERED AND ADJUDGED that:

1. Plaintiff, CitiMortgage, Inc., c/o 1000 Technology Drive, MS 314, O'Fallon, MO 63368 is due:

| | | |
|------------------------------------|----|-----------|
| Principal: | \$ | 92,093.66 |
| Interest to date of this judgment: | \$ | 5,936.87 |

| | | |
|---|---------------|----------------------|
| Court Costs & Title search expenses: | \$ | RESERVED |
| Taxes 2010-2011 | \$ | RESERVED |
| Attorneys' Fees: | | |
| Finding as to reasonable number of hours: 10.00 | | |
| Finding as to reasonable hourly rate: 130.00 | | |
| Attorneys' fees total | \$ | 1,300.00 |
| Late Fees | \$ | RESERVED |
| Taxes & Hazard Insurance | \$ | RESERVED |
| TOTAL | \$ | 99,330.53 |

that shall bear interest at the statutory rate of interest, currently 4.75% a year.

2. 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:

THE SOUTH 30 FEET OF LOT 2 AND ALL OF LOT 3, BLOCK 5, FLORIDA RIDGE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 93, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 2327 OLD DIXIE HIGHWAY SOUTHEAST, VERO BEACH, FL 32962

3. If the total sum due with interest at the rate described in Paragraph 1 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on **NOVEMBER 26, 2012**, to the highest bidder for cash, except as prescribed in Paragraph 4 at **10:00 a.m.** by electronic sale at website: <https://www.indian-river.realforeclose.com> , in accordance with section 45.031, Florida. Statutes. **The public sale shall NOT be postponed or canceled and shall proceed regardless of whether plaintiff, a plaintiff's representative, or plaintiff's counsel is present. 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 shall 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

4. 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 paid in full.

5. 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 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. On filing of 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. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.

8. That the United States of America as a Lienholder shall have the right to exercise pursuant to Title 28, United States Code, Section 2410©, within 120 days from the date of sale.

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 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, JEFFREY K. BARTON, AT 772-770-5185, 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 (INDIAN RIVER) FOR INDIAN RIVER COUNTY AT (772) 466-4766 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 (INDIAN RIVER) FOR INDIAN RIVER COUNTY AT (772) 466-4766 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Vero Beach, Florida, on August 26, 2012



CYNTHIA L. COX, Circuit Judge

MORRIS, HARDWICK, SCHNEIDER, LLC, 5110 EISENHOWER BLVD, STE 120, TAMPA, FL 33634

MICHAEL & DONIELLE YEITTER, 2327 OLD DIXIE HIGHWAY SOUTHEAST, VERO BEACH, FL 32962

UNITED STATES OF AMERICA, BY AND THROUGH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, C/O CARLOS RUEL, THE US ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA, (RA), 99 NE 4TH STREET, MIAMI, FL 33132