

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA
CASE NO. 2011 CA 002688

312011CA002688

FILE IN OPEN COURT
Date 12-14-12
By [Signature]

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC2 SERIES 2007-BC2,
Plaintiff,

vs.

VENUS HILLS; HELEN A. HILLS; 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, GRANTEEES, OR OTHER CLAIMANTS; MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC. AS NOMINEE FOR ENCORE CREDIT CORP., A CALIFORNIA CORPORATION DBA ECC CREDIT CORPORATION OF FLORIDA; VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION INC.; UNKNOWN TENANT # 1 N/K/A JONATHAN HILLS;
Defendants.

FINAL JUDGMENT OF MORTGAGE FORECLOSURE
(Form Approved by 19th Circuit Administrative Order 2011-__)

This action was heard before the court on the plaintiff's Motion for Summary Final Judgment on December 14, 2012. On the evidence presented;

IT IS ADJUDGED that:

1. **Motion Granted.** There is no dispute of material facts and plaintiff's motion for summary judgment is granted.

2. **Amounts Due.** Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC2 SERIES 2007-BC2(hereafter, "**Plaintiff**"), c/o BANK OF AMERICA 177 COUNTRYWIDE WAY MS CAO-911-01-05LANCASTER, CA 93536, is due:

Principal	\$	<u>238,010.10</u>
Interest on the note and mortgage to 12-14-2012	\$	<u>34,397.71</u>
Taxes	\$	<u>13,823.42</u>
Hazard Insurance	\$	<u>15,215.51</u>
Taxes	\$	<u>377.00</u>
Filing Fees	\$	<u>1,964.00</u>
Title	\$	<u>70.00</u>
Service of Process	\$	<u>275.00</u>

Attorneys' fees		
Finding as to reasonable number of hours:	8	
Findings as to reasonable hourly rate:	\$156.25	
Attorneys' fees total	\$	1,250.00
TOTAL	\$	305,382.74

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 defendants, VENUS HILLS; HELEN A. HILLS; MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC. AS NOMINEE FOR ENCORE CREDIT CORP., A CALIFORNIA CORPORATION DBA ECC CREDIT CORPORATION OF FLORIDA; VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION INC.; UNKNOWN TENANT # 1 N/K/A JONATHAN HILLS on the following described property in INDIAN RIVER County, Florida:

LOT 16, BLOCK 123, VERO BEACH HIGHLANDS UNIT 4 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 38, 38A, THROUGH 38F, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: **1355 23RD STREET SOUTHWEST 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 January 23, 2013, to the highest bidder for cash, except as prescribed in paragraph 6,:

At In the JURY ASSEMBLY ROOM of the Courthouse beginning at 10:00 a.m. on the prescribed date.
 By electronic sale beginning at 10:00 a.m. on the prescribed date at www.indian-river.realforeclose.com.

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

11. That if Plaintiff should elect to assign its bid at sale, the assignment of bid shall be effective upon the filing of a Notice of Assignment of Bid or Motion and Order for Assignment of Bid and the Clerk of the above entitled Court is hereby directed to issue the Certificate of Title to such officer without further payment by such officer.

12. That if Plaintiff should elect to assign its bid at sale, the assignment of bid shall be effective upon the filing of a Notice of Assignment of Bid or Motion and Order for Assignment of Bid and the Clerk of the above entitled Court is hereby directed to issue the Certificate of Title to such officer without further payment by such officer.

13. **That should the property be sold to a Third Party Purchaser, any and all sale proceeds due Plaintiff or Plaintiff's attorney be made payable to the Plaintiff of record.**

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, PLEASE CHECK WITH THE INDIAN RIVER CLERK OF THE COURT, 772-770-5185 2000 16TH AVENUE, VERO BEACH, FL 32960 772-770-5185 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 RURAL LEGAL SERVICES, 510 S US HIGHWAY #1, FORT PIERCE, FL 34950-8331, (772) 466-4766; WWW.FRLS.ORG, 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, 510 S US HIGHWAY #1, FORT PIERCE, FL 34950-8331, (772) 466-4766; WWW.FRLS.ORG, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED on Indian River, Florida, on 1st day of December 2012
[Signature]
CIRCUIT JUDGE

Please see attached service list

CASE NO.: 2011 CA 002688

SERVICE LIST:

VAN NESS LAW FIRM, P.A.

1239 E. Newport Center Drive
Suite #110
Deerfield Beach, Florida 33442

VENUS HILLS

1355 23RD STREET SOUTHWEST
VERO BEACH, FL 32962

HELEN A. HILLS

1355 23RD STREET SOUTHWEST
VERO BEACH, FL 32962

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

1901 EAST VOORHEES STREET, SUITE C
DANVILLE, IL 61834

VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION, INC.

C/O PATRICIA M. WOODMANSEE
625 HIGHALAND DR., SW
VERO BEACH, FL 32962

JONATHAN HILLS

1355 23RD STREET SOUTHWEST
VERO BEACH, FL 32962

Unknown Tenant #1 In Possession Of Subject Property