

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

THE BANK OF NEW YORK MELLON FKA THE  
BANK OF NEW YORK, AS TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF CWALT, INC.,  
ALTERNATIVE LOAN TRUST 2006-7CB,  
MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2006-7CB

312009CA011211  
CASE NO. 2009-CA-011211

Plaintiff(s),

v.

NANCY SUE POWELL A/K/A NANCY POWELL  
A/K/A NANCY J. POWELL, MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS, INC,  
and UNKNOWN TENANTS/OWNERS

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

Defendant(s).

**FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the court on the testimony of Laura Elder of BOA  
'Trial on December 14, 2012. On the evidence presented;

- The defendant is in default and is entitled to SS. The TT represented that all mitigation efforts have been exhausted.
- Amounts Due.** Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2006-7CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-7CB, is due:

Principal	\$181,759.73
Interest on the note and mortgage from <u>12/01/2008</u> to <u>12/14/2012</u>	
Per diem interest at <u>6.875%</u> from <u>12/01/08</u> to <u>12/14/2012</u>	\$50,427.69
Title search expense	\$350.00
Taxes:	\$4,343.06
Insurance premiums	\$17,965.57
Attorneys' fees:	
Finding as to reasonable number of hours: <u>3.51</u>	
Finding as to reasonable hourly rate: <u>\$175</u>	\$615.00
<b>SUBTOTAL</b>	<b>\$255,461.05</b>

**EXHIBIT "A"**

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

Court costs		
Filing Fees		\$330.00
Service of Process at \$_____ per defendant		\$189.00
Service by Publication \$_____		0
Additional Costs:		
Recording Fee for Lis Pendens		10.00
Inspection fees		210.00
	<b>SUBTOTAL</b>	<b>\$739.00</b>
LESS: Escrow balance		
LESS: Unearned insurance premiums		
LESS: Other		
	<b>TOTAL</b>	<b>\$256,200.05</b>

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:

THE EAST 90.00 FEET OF THE EAST 209.00 FEET OF THE NORTH 416.00 FEET OF THE FOLLOWING:

THE NORTH 10 ACRES OF THE WEST 20 ACRES OF TRACT 13, SECTION 10, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVERS FARMS COMPANY FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25, SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA

Property address: 4105 10 Street, Vero Beach, FL 32960

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 2/8/13, to the highest bidder for cash, except as prescribed in paragraph 6,:

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

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 area 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": *without further notice or hearing*

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

**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.**

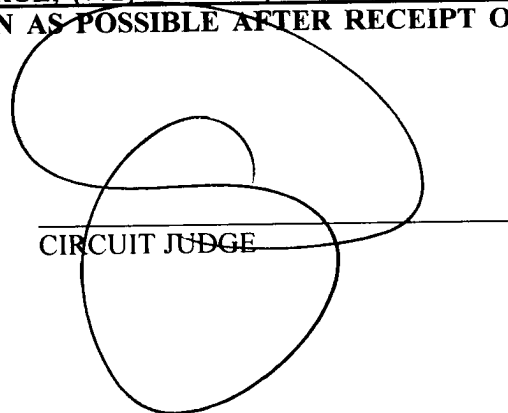
**IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**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, FL 32961, Telephone: (772) 2263127, 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 - FORT PIERCE, (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 - FORT PIERCE, (772) 466-4766, WWW.FRLS.ORG FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED on December 14, 2012.

  
CIRCUIT JUDGE

Copies Furnished by U.S. Mail to:

ABLITT|SCOFIELD, P.C.  
THE BLACKSTONE BUILDING  
100 SOUTH DIXIE HIGHWAY, SUITE 208  
WEST PALM BEACH, FL 33401  
PLEADINGS@ACDLAW.COM

*(Allegria Knopf)*

ROBERT C. CLARK, ESQ.  
ATTORNEY FOR THE DEFENDANT  
NANCY POWELL A/K/A NANCY SUE POWELL  
A/K/A NANCY J. POWELL A/K/A NANCY J. MCCOLL  
1612 20 STREET  
VERO BEACH, FL 32960  
ROBERTCLARK231@YAHOO.COM

*(Is waived her appearance)*

UNKNOWN TENANTS/OWNER N/K/A BRYAN MCCOLL  
A/K/A BRYAN W. MCCOLL  
4105 10 STREET  
VERO BEACH, FL 32960

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
C/O CT CORPORATION SYSTEM, RA  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324