

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

Case Number 312011CA002932XXXXX

WELLS FARGO BANK, NATIONAL
ASSOCIATION f/k/a WACHOVIA BANK,
NATIONAL ASSOCIATION, a National Banking
Association,

Plaintiff,

FILE IN OPEN COURT

Date 12-18-12
By CSB

v.

ARGEN-ITAL, INC., a Florida Corporation,
RUBEN F. ARROYO an Individual, JEANNE L.
ARROYO, and individual ARROYO
ENTERPRISES, INC., a Florida Corporation,
Unknown Tenant 1, and Unknown Tenant 2,
and all parties claiming by, through, under, or
against them and all parties or persons having or
claiming title or interest in the premises,

Defendants.

_____ /

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on December 18, 2012, on Plaintiff's Motion for Final Summary Judgment of Foreclosure and finds that there is no disputed issue of fact or law; that the Defendants were defaulted and no affidavits were filed in opposition to the motion and on the evidence presented (and in fact, are not contesting the entry of FJ) and **IT IS ORDERED AND ADJUDGED** that:

1. The Plaintiff's Motion for Summary Judgment is **GRANTED** against Defendants Defendants Argen-Ital, Inc., ("Argen-Ital"), Ruben F. Arroyo, ("R. Arroyo"), Jeanne L. Arroyo ("J. Arroyo"), Arroyo Enterprises, Inc., ("Arroyo Enterprises"), collectively Argen-Ital, Arooyo

Enterprises, R. Arroyo, J. Arroyo may be referred to as "Defendants". Service of process has been duly and regularly obtained over Defendants.

2. **Amounts Due.** There is a due and owing to the Plaintiff, WELLS FARGO BANK, N.A, 301 S. Tryon Street, D1130-305, Charlotte, NC 28288, from Defendants Argen-Ital, Inc., Ruben F. Arroyo, Jeanne L. Arroyo, and Arroyo Enterprises, Inc.,

The November 22, 2005 Promissory Note (Argen-Ital, Inc.)

- a) Principal balance: \$ 147,243.31
- b) Interest from 3/9/12 2012 to 12/18/12: \$ 13,832.21
(Per diem \$26.79)
- c) Late Fees: \$ 1,845.90

The September 28, 2007 Promissory Note (Arroyo Enterprises, Inc.)

- d) Principal balance: \$ 121,733.21
- e) Interest from 3/9/12 2012 to 12/18/12: \$ 4,936.76
(Per diem \$7.47)
- f) Late Fees: \$ 837.69

The October 19, 2010 Promissory Note (Arroyo Enterprises, Inc.)

- g) Principal balance: \$ 62,308.47
- h) Interest from 3/9/12 2012 to 12/18/12: \$ 7,920.17
(Per diem \$11.85)
- i) Late Fees: \$ 775.74
- j) Taxes: (Argen-Ital, Inc.) \$ 4,244.71
- k) Property Insurance

Case Number 312011CA002932XXXXX

l) Points:	\$ 0
m) Appraisal:	\$ 2,500.00
n) Other Charges:	
Environmental Review:	\$ 3,500.00
SUB TOTAL:	\$ 371,678.17
Attorney's fees as of August 31, 2012	\$ 6,875.00
Finding as to reasonable number of hours (25 hours @ \$275/hour)	
Court costs, now taxed:	
Filing Fee	\$ 1,970.00
Service of Process	\$ 950.00
Recording of Lis Pendens	\$ 8.00
Title Search:	\$ 625.00
GRAND TOTAL	\$382,106.17

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest, 4.75% per year.

4. **Lien on Property.** Plaintiff, whose address is WELLS FARGO BANK, N.A., 301 S. Tryon Street, D1130-305, Charlotte, NC 28288, 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 defendant 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. Plaintiff's lien encumbers the subject property located in Indian River County, Florida and describes as:

Lot 4, Block 3, OSCEOLA PARK HOME SITES, according to the plat filed in the Office of the Circuit Court of St. Lucie County, Florida, in Plat Book 3, Page 58, said lands now lying and being in Indian River County, Florida.

Property Address: 6704 South US Highway 1, Port St. Lucie, Fl. 34952

5. **Sale of Property.** 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 property on **JANUARY 23, 2013 at 10:00 a.m.** to the highest bidder for cash, except as prescribed in paragraph 6, commencing at 10:00 a.m. on the prescribed date via internet at www.indian-river.realforeclose.com/index.cfm. The Foreclosure Sale can only be cancelled by Court Order.

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

8. **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 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 disbursement, the Clerk shall hold the surplus pending further Order of this court.

9. **Right of Possession.** Upon filing of the Certificate of Title, 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 and the purchaser at sale shall be let into possession of the property.

10. **Attorney Fees.** The Court finds, based upon the affidavits presented and upon the inquiry of counsel for the plaintiff, that 27.85 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$220 to \$320 is appropriate. PLAINTIFF'S COUNSEL REPRESENTED THAT THE ATTORNEY FEE AWARD 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). Plaintiff incurred additional fees and costs following the Affidavit of Attorneys' Fees and Costs in Support of Motion for Summary Judgment dated August 31, 2012, and this Court retains jurisdiction should Plaintiff seek said fees and costs.

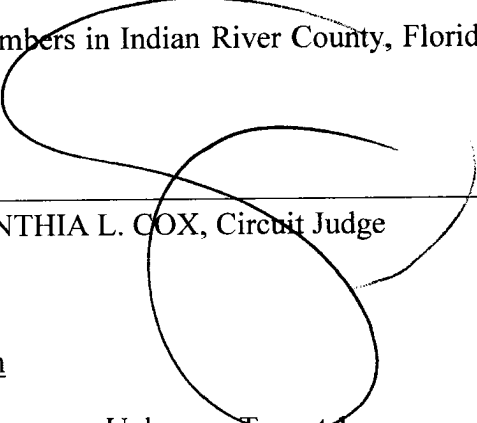
11. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (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, Indian River County, 2000 16th AVE, Vero Beach, FL 32960, Telephone: (772) 226-3127 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.

DONE AND ORDERED in Chambers in Indian River County, Florida, this 18th day of December, 2012.



CYNTHIA L. COX, Circuit Judge

Copies furnished to:

Gavin White, Esq @ gwhite@cfclaw.com

Glenn A. Crickenberger, Esq.
courtdocs@rjgpa.com
support@rjgpa.com

Unknown Tenant 1
a/k/a Seasons Screen Rooms
c/o Ruben F. Arroyo
333 SE Walsh Terrace
Port Saint Lucie, FL 34983