

IN THE CIRCUIT COURT FOR INDIAN RIVER  
COUNTY, FLORIDA. CIVIL DIVISION

CASE NO. 312011CA002693XXXXXX

BANK OF AMERICA, N.A., SUCCESSOR BY  
MERGER TO BAC HOME LOANS SERVICING, LP,

Plaintiff,

vs.

ALEJANDRO VILLAR; UNKNOWN SPOUSE OF  
ALEJANDRO VILLAR; VERO BEACH HIGHLANDS  
PROPERTY OWNERS' ASSOCIATION INC.;  
UNKNOWN TENANT NO. 1; UNKNOWN TENANT  
NO. 2; and ALL UNKNOWN PARTIES CLAIMING  
INTERESTS BY, THROUGH, UNDER OR AGAINST A  
NAMED DEFENDANT TO THIS ACTION, OR  
HAVING OR CLAIMING TO HAVE ANY RIGHT,  
TITLE OR INTEREST IN THE PROPERTY HEREIN  
DESCRIBED,

Defendants.

FILE IN OPEN COURT

Date 3/8/13

By JT

*CT*

**FINAL JUDGMENT OF FORECLOSURE**

(Form Approved by 19th Circuit Administrative Order 2011-01)

This action was heard before the court on plaintiff's Motion for Summary Final Judgment on March 8, 2013. 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, c/o SHD Legal Group P.A. PO BOX 11438 Fort Lauderdale FL 33339-1438, is due:

Principal mortgage foreclosed:	\$	145,646.07
Interest on the note and mortgage from December 1, 2010 to March 23, 2012	\$	13,356.83
Per diem interest at 7.000% from March 24, 2012 to March 8, 2013	\$	9,749.53
Title search expenses	\$	200.00
Taxes	\$	3,521.33
Insurance premiums	\$	2,380.53
Attorneys' fees	\$	
Finding as reasonable number of hours: 22		
Finding as reasonable hourly rate: \$175.00		
Attorneys' fees total	\$	3,725.00

## Court Costs:

Filing fee	\$	961.00
Service of Process	\$	285.00
Additional Costs:	\$	
Late Charges	\$	152.16
Property Inspection	\$	120.00
Recording Costs for Assignment	\$	15.00
Corporate Search	\$	15.00
	\$	0.00
SUBTOTAL	\$	180,127.45

Less: Undisbursed escrow funds	\$	0.00
Less: Unearned insurance premiums	\$	0.00

**TOTAL** \$ 180,127.45

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:

LOT 16, BLOCK 139, VERO BEACH HIGHLANDS - UNIT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 38, 38A THROUGH 38F, INCLUSIVE, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 2035 HIGHLAND DRIVE SW, 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 April 17, 2013, to the highest bidder for cash, except as prescribed in paragraph 6,:

by electronic sale at [www.indian-river.realforeclose.com](http://www.indian-river.realforeclose.com) beginning at 10:00 a.m.

\_\_\_\_\_ at \_\_\_\_\_ beginning at \_\_\_\_\_.

\_\_\_\_\_ by electronic sale at \_\_\_\_\_ beginning at \_\_\_\_\_.

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 of 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, deficiency judgments.

11. **The Plaintiff , as servicer for Fannie Mae A/K/A Federal National Mortgage Association (FNMA), the owner and holder of the note, may assign the Judgment or the bid to FNMA without further order of the Court. If the Plaintiff or Plaintiff's assignee is the purchaser at the sale, the Clerk shall credit on the bid of the Plaintiff or Plaintiff's assignee the total sum herein found to be due the Plaintiff pursuant to paragraphs 2 and 15 above, or such portion thereof as may be necessary to pay fully the bid of the Plaintiff or Plaintiff's assignee.**

12. **If the United States of America is a Defendant in this action, they shall have the right of redemption provided by 28 U.S.C. §2410(c) from the issuance of a Certificate of Title, but the right shall thereafter expire.**

**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 16<sup>th</sup> Ave, Vero Beach, FL 32960, 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, 200 SOUTH INDIAN RIVER DRIVE, SUITE 101 (34950), P.O. BOX 4333, FT. PIERCE, FL 34948 1-888-582-3 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 INDIAN RIVER AID SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

ORDERED on March 8, 2013.

Cynthia L. Cox, Circuit Judge

Amber L Johnson, Esquire  
SHD Legal Group P.A.  
Attorneys for Plaintiff  
PO BOX 11438  
Fort Lauderdale, FL 33339-1438  
Telephone: (954) 564-0071  
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Copies furnished to all parties on the attached service list:

1183-104677  
GMN

**SERVICE LIST**

Case No. 312011CA002693XXXXXX

ROBERT C. CLARK, ESQ  
Attorney For ALEJANDRO VILLAR  
1705 19TH PLACE -A-1  
VERO BEACH, FL 32960

UNKNOWN TENANT NO. 1 N/K/A SHALICIA WOULARD  
2035 HIGHLAND DRIVE SW  
VERO BEACH, FL 32962

UNKNOWN TENANT NO. 2 N/K/A TALITHA ALFORD  
2035 HIGHLAND DRIVE SW  
VERO BEACH, FL 32962

UNKNOWN SPOUSE OF ALEJANDRO VILLAR  
1313 43RD AVE  
VERO BEACH, FL 32960

VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION INC.  
WOODMANSEE, PATRICIA M  
625 HIGHLAND DR., SW  
VERO BEACH, FL 32962