

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

WELLS FARGO BANK, N.A.,

CASE NO.: 312011CA003074

Plaintiff,

VS.

LEE ANN LORITO ; DIAMOND LAKE HOMEOWNERS ASSOCIATION OF VERO BEACH, INC.; 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; JOHN TENANT and JANE TENANT whose names are fictitious to account for parties in possession,

Defendant(s).

FILED FOR RECORD
PROBATE CLERK
INDIAN RIVER COUNTY
13 MAR 15 PM 6:22
JEFFREY R SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
BY [Signature]

FINAL JUDGMENT

THIS ACTION was heard before the Court on a Non-Jury on January 24, 2013. On the evidence presented,

(testimony of Angela Moore of TT as best mitigator has been exhausted. Don default of pick payment loan)

IT IS ADJUDGED THAT:

- Final Judgment Granted.** Final Judgment is granted in favor of Plaintiff, WELLS FARGO BANK, N.A. and against Defendants, LEE ANN LORITO ; DIAMOND LAKE HOMEOWNERS ASSOCIATION OF VERO BEACH, INC.; 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; JOHN TENANT and JANE TENANT whose names are fictitious to account for parties in possession.

2. **Amounts Due.** Plaintiff, WELLS FARGO BANK, N.A. is due:

Principal		\$282,795.68
Interest from 4/27/2009 through 1/25/2013		\$ 53,411.74
Per Diem Interest at \$36.19 per day		
Non-sufficient funds		\$ 15.00
Fees		\$ 10.00
Taxes		\$ 19,398.05
Insurance Premiums		\$ 20,452.27
Property Inspections		\$ 560.00
Trip Charges		\$ 210.00
Bankruptcy Attorney's Fees		\$ 800.00
Property Preservation		\$ 10.00
Property Maintenance		\$ 180.00
Broker's Price Opinion Appraisal		\$ 80.00
Lawn Maintenance		\$ 400.00
Attorney's fees – non-litigated	\$2,050.00	
Attorney's fees –litigated	\$2,100.00	
Finding as to reasonable number of hours (14 hours)		
Finding as to reasonable hourly rate (\$150.00/hour)		
Attorney's fees total		\$ 4,150.00
Court costs		
Lis Pendens Recording Cost		\$ 5.00
Filing fee		\$ 1,905.00
Summons Issuance Cost		\$ 40.00
Service of Process at \$55.00 per defendant		\$ 280.00
TOTAL		\$384,702.74

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.

4. **Lien of 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 and described as:

LOT 4 O DIAMOND LAKE SUBDIVISION, PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE(S) 95, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 5200 SWSAPHIRE LN , VERO BEACH, FL 32968

5. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to the Judgment are not paid, the Clerk of this Court shall sell the property at public sale on the 6th day of May, 2013, to the highest bidder for cash, except as prescribed in Paragraph 6,:
- By electronic sale at www.indian-river.realforeclose.com beginning at 10:00 a.m. on the prescribed date.

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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorney's fees; fourth, the total sum due to plaintiff, less the item 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 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 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, 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 THIS FINAL JUDGMENT.

IF YOU ARE 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 FOR YOUR COUNTY 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.

<p>Indian River County Clerk of Court 2000 16th Avenue, Civil Dept., Room 136 Vero Beach, FL 32960 (772) 770-5176 www.clerk.indian-river.org</p>
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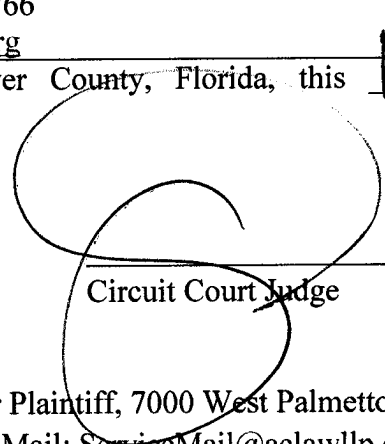
IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL

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 THE LOCAL LEGAL SERVICES LISTED BELOW 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 ONE OF THE SERVICES LISTED BELOW, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

Indian River County
Florida Immigrant Advocacy Center Fort Pierce, FL (772) 489-4660 www.fiacfla.org
Florida Institutional Legal Services, Inc. Gainesville, FL (352) 375-2494 fls@bellsouth.net
Florida Justice Institute Miami, FL (305) 358-2081
Florida Rural Legal Services Fort Pierce, FL (772) 466-4766 www.frls.org

DONE AND ORDERED at Indian River County, Florida, this 15 day of

March, 2013


Circuit Court Judge

Copies Furnished to:

- ALDRIDGE | CONNORS, LLP, Attorney for Plaintiff, 7000 West Palmetto Park Road, Suite 307, Boca Raton, FL 33433, Primary E-Mail: ServiceMail@aclawllp.com, [FAX: Aldridge Connors @1-561-392-6965]; and
- All parties on the attached service list.

Service List

CASE NO.: 312011CA003074

By U.S. Mail:

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