

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

Deutsche Bank National Trust Company, as  
Trustee for Morgan Stanley ABS Capital I, Inc.,  
Trust 2005-HE7, Mortgage Pass-Through  
Certificates, Series 2005-HE7

Plaintiff(s),

V.

CASE NO.: 2012-CA-000685

312012CA000685

Marine Protection Foundation; John Manchec  
a/k/a Jean-Marie Manchec; The Rakusin Law  
Firm, a Professional Association, f/k/a Rakusin  
& Plotka, P.A., f/k/a Stephen Rakusin, P.A.;  
Heron Crest Community Association, Inc.;  
Unknown Parties in Possession #1, If living,  
and all Unknown Parties claiming by, through,  
under and against the above named  
Defendant(s) who are not known to be dead or  
alive, whether said Unknown Parties may claim  
an interest as Spouse, Heirs, Devisees,  
Grantees, or Other Claimants; Unknown Parties  
in Possession #2, If living, and all Unknown  
Parties claiming by, through, under and against  
the above named Defendant(s) who are not  
known to be dead or alive, whether said  
Unknown Parties may claim an interest as  
Spouse, Heirs, Devisees, Grantees, or Other  
Claimants

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE  
(Form Approved by 19<sup>th</sup> Circuit Administrative Order 2011-1)

THIS ACTION was heard before the Court on Plaintiff's, Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I, Inc., Trust 2005-HE7, Mortgage Pass-Through Certificates, Series 2005-HE7 ("Plaintiff"), Motion for Summary Final Judgment on **April 12, 2013**. On the 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.	<b>Amounts Due.</b> Plaintiff, Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I, Inc., Trust 2005-HE7, Mortgage Pass-Through Certificates, Series 2005-HE7, JPMorgan Chase Bank, N.A., 3415 Vision Drive, Columbus, Ohio 43219, is due:	
3.	Principal	\$187,080.81
	Interest on the note and mortgage from January 1, 2010 to April 12, 2013	
	Per diem interest at rate 8.325%. from January 1, 2010 to April 12, 2013	\$51,040.12
	Title search expense	\$325.00
	Taxes	\$4,025.25
	Insurance premiums	
	Hazard Insurance	\$11,871.61
	Property Inspections:	\$260.00
	Appraisals	\$110.00
	Credits	\$-1,608.54
	Attorney's fees	
	Other *	\$1,300.00
	(* 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	\$1,300.00
	Court costs	
	Filing fee	\$976.50
	Service of Process at	
	\$165.00 / John Manchec a/k/a Jean-Marie Manchec	
	\$55.00 / The Rakusin Law Firm, a Professional Association, f/k/a Rakusin & Plotka, P.A., f/k/a Stephen Rakusin, P.A.	
	\$316.30 / Marine Protection Foundation	\$701.30
	\$55.00 / Heron Crest Community Association, Inc.	
	\$55.00 / Unknown Parties in Possession #1 n/k/a Lucelia Arruda	
	\$55.00 / Unknown Parties in Possession #2	
	Additional Costs	
	Late Charges	\$0.00
	Property Preservation	\$28.00
	Lis Pendens Recording Fee	\$5.00
	Bond Premium Cost	\$103.00
	Subtotal	\$256,218.05
	LESS: Escrow Balance	(\$106.00)

TOTAL

\$256,112.05

4. **Interest.** The total amount in Paragraph 2 shall bear interest from this date forward at the prevailing rate.
5. **Lien on Property.** Plaintiff, Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I, Inc., Trust 2005-HE7, Mortgage Pass-Through Certificates, Series 2005-HE7, holds a first mortgage 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 50, HERON CREST SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGES 23 AND 23A, INCLUSIVE, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 754 46th Square, Vero Beach, FL 32968

6. **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 the Court shall sell the subject property at public sale on May 17, 2013 to the highest bidder for cash, except as prescribed in Paragraph 6,:

\_\_\_\_\_ at \_\_\_\_\_ beginning at \_\_\_\_\_  
 ✓ by electronic sale at <https://www.indian-river.realforeclose.com>, beginning at 10:00 A.M.

in accordance with § 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" upon Court Order.

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

**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.**

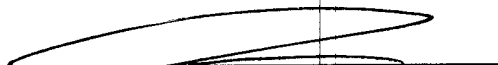
**IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**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, JEFFREY BARTON, 2000 16<sup>TH</sup> AVENUE, 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, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 34948, (772) 466-4766 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 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 34948, (772) 466-4766 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

ORDERED on Apr 12, 2013

  
Cynthia L. Cox, Circuit Judge

Copies furnished to:

SHAPIRO, FISHMAN & GACHÉ, LLP, 2424 North Federal Highway, Suite 360, Boca Raton, FL 33431

John Manchec a/k/a Jeani-Marie Manchec, c/o Fred L. Kretschmer Jr., Esq., 1443 20th Street, Suite A, Vero Beach, FL 32960

The Rakusin Law Firm, a Professional Association, f/k/a Rakusin & Plotka, P.A., f/k/a Stephen Rakusin, P.A., c/o Stephen Rakusin, Esquire, R.A., 2919 East Commercial Boulevard, Fort Lauderdale, FL 33308

Marine Protection Foundation, c/o Fred L. Kretschmer, Jr., Esq., 1443 20th Street, Suite A, Vero Beach, FL 32960

Heron Crest Community Association, Inc., c/o Renee M. Renuart, Esq., 1675 Palm Beach Lakes Blvd, Ste 500, West Palm Beach, FL 33401

Unknown Parties in Possession #1 n/k/a Lucelia Arruda, 754 46th Square, Vero Beach, FL 32968

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