

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

CIVIL DIVISION
CASE NO.: 312012CA001587

FILE IN OPEN COURT
DATE 5/10/13
BY JW JB

TD BANK, NATIONAL ASSOCIATION,

Plaintiff,

vs.

**ANITA CRAGG; DAVID CRAGG; and JOHN DOE and
JANE DOE, unknown parties in possession,**

Defendants.

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the Court on the Plaintiff's Motion for Final Default Judgment on May 10, 2013. On the evidence presented,

IT IS HEREBY ADJUDGED that:

1. **Motion GRANTED.** Plaintiff's Motion for Final Default Judgment is entered against Defendants.

2. **Amounts Due.** Plaintiff, TD BANK, NATIONAL ASSOCIATION ("Plaintiff"), Two Portland Square, P.O. Box 9540, Portland, ME 04112, is due from Defendant, ANITA CRAGG, the following:

Principal	\$ 418,307.06
Interest thru 3/1/13	\$ 17,367.61
Per diem interest at \$40.71750 from 3/2/13 thru 5/10/13 (70 days)	\$ 2,850.23
Late Charges	\$ 1,803.22
Escrow Taxes (2012)	\$ 4,451.03
Less Beginning Escrow Credit	CR (\$ 1,978.36)
Appraisal/BPO	\$ 700.00

Inspections	\$	60.00
Attorneys' fees	\$	3,002.30
Costs:		
Postage	\$	9.10
Library Research	\$	12.08
Service of Process	\$	100.00
Filing Fees	\$	1,945.00
Recording Fees	\$	10.00
Title Searches	\$	150.00
Federal Express	\$	7.84
Photocopies	\$	<u>71.00</u>
TOTAL		\$ 448,868.11

3. **Interest.** The total amount in paragraph 2 shall bear interest from the date hereof at the rate of 4.75% per year from this date through December 31, 2013. Thereafter, the interest rate will adjust in accordance with Section 55.03, Florida Statutes, until the Judgment is paid in full.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants, ANITA CRAGG and DAVID CRAGG, on the following described property in Indian River County, Florida:

Lot 11, Woodhaven Manor, according to the plat thereof, recorded in Plat Book 8, Page 75 of the Public Records of Indian River County, Florida

5. **Sale of Property.** If the total sum with interest at the rate prescribed 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 June 19 2013, beginning at 10:00 a.m. to the highest bidder for cash, except as prescribed in Paragraph 6, by electronic sale at:

www.indian-river.realforeclose.com

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 public 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 sale 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, a deficiency judgment and/or a re-foreclosure judgment.

11. **Plaintiff's Right to Assign and Credit Bid.** Plaintiff or its assignee shall have the right to assign this Final Judgment of Foreclosure and the right to credit bid at the sale and apply against any bid made the amount awarded to Plaintiff in this Final Judgment of Foreclosure. In the event there is such an assignment, Plaintiff or its assignee shall file a Notice of Assignment of Foreclosure Judgment with the Court that identifies the assignee, and the Clerk of Court shall recognize the assignee as the owner of this Final Judgment of Foreclosure with a right to credit bid the amount awarded herein, without further order of this Court. Plaintiff also

shall have the right to assign its successful bid at the foreclosure sale. In the event there is such an assignment, Plaintiff shall file a Notice of Assignment of Successful Bid with the Court that identifies the assignee, and the Clerk of Court shall recognize the assignee as the owner of the successful bid and the party to be named in the Certificate of Title to be issued by the Clerk of the Court, without further order of this Court.

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.

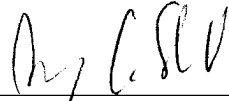
IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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, FLORIDA 32960, (772) 770-32960 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.

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 HELP TO 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 US HIGHWAY 1, SUITE 1, FORT PIERCE, FLORIDA 34950 (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 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Indian River County, Florida, on May 10, 2013.



Circuit Judge

Copies furnished to:
(All parties listed on attached Service List)

Name and Address of Judgment Creditor:

TD Bank, National Association
Two Portland Square
P.O. Box 9540
Portland, ME 04112

Name and Address of Judgment Debtor:

Anita Cragg
195 Tramore Place
Melbourne Beach, FL 32951

SERVICE LIST

Lawrence P. Rochefort, Esquire
Erin M. Maddocks, Esquire
AKERMAN SENTERFITT
222 Lakeview Avenue, Suite 400
West Palm Beach, FL 33401
Telephone: (561) 653-5000
Facsimile: (561) 659-6313
Primary Email: lawrence.rochefort@akerman.com
Primary Email: erin.maddocks@akerman.com
Secondary Email: nergiin.brown@akerman.com
Secondary Email: lori.chiarizia@akerman.com
Counsel for Plaintiff, TD Bank, National Association

Anita Cragg
195 Tramore Place
Melbourne Beach, FL 32951
Defendant

David Cragg
195 Tramore Place
Melbourne Beach, FL 32951
Defendant