

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

BANK OF AMERICA, N.A.

CASE NO. 31-2012-CA-000757

Plaintiff,

vs.

FILE IN OPEN COURT
Date 7-12-13
By [Signature]

DAWN A. OLIVER; MICHAEL C. OLIVER;
SYLVAN LAKES PROPERTY OWNER'S
ASSOCIATION, INC.; UNKNOWN TENANT
#1; UNKNOWN TENANT #2; ALL OTHER
UNKNOWN PARTIES CLAIMING INTERESTS
BY, THROUGH, UNDER, AND AGAINST A
NAMED DEFENDANT(S) WHO ARE NOT
KNOWN TO BE DEAD OR ALIVE, WHETHER
SAME UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES,
GRANTEES, OR OTHER CLAIMANTS,

Defendant(s),

_____ /

CONSENT FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court at Non-Jury Trial on July 12, 2013 upon consent of the parties and on the evidence presented, IT IS ADJUDGED that:

1. **Judgment Granted.** The parties have consented to entry of this Final Judgment.

2. **Amounts Due.** Plaintiff, BANK OF AMERICA, N.A., whose address is c/o BAC HOME LOANS SERVICING, L.P., 7105 CORPORATE DRIVE, MAIL STOP PTX-B-35, PLANO, TX 75024, is due:

Principal	\$200,308.67
Interest on the note and mortgage from 04/01/2011 to 07/12/2013	\$25,691.21
Title Search Expense	\$200.00
Property Taxes	\$4,123.06
Hazard Insurance Premiums	\$8,794.91
Attorneys' fees	\$3,000.00
Finding as to reasonable number of hours:	n/a
Finding as to reasonable hourly rate:	n/a
Other*:	\$3,000.00

(*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.)

Court costs:	
Filing fee	\$950.00
Service of Process	\$335.00
Additional Costs:	
Property Inspections	\$120.00
Tax Lien Search	\$45.00
Title Update Fees	\$75.00
Subtotal	\$243,642.85
LESS: Suspense balance	(\$370.50)
GRAND TOTAL	\$243,272.35

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 3, SYLVAN LAKES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGES 17, 17A & 17B, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: **5870 40TH LN., VERO BEACH, FL 32966.**

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 NOVEMBER 12, 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. 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.

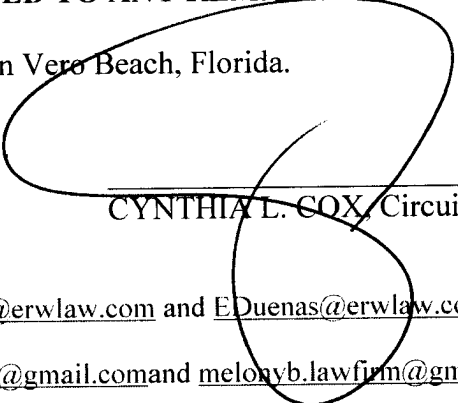
9. **Right of Possession.** Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property, subject to the provisions of the "Protecting Tenant At Foreclosure Act of 2009".

10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders

that are proper including, without limitation, 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 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.

DONE AND ORDERED on July 12, 2013 in Vero Beach, Florida.



CYNTHIA L. COX, Circuit Judge

Copies Furnished to:

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JOHN E. BANKS, JR., ESQ. Email: Jeb_Jr_Esq@yahoo.com

CURRENT TENANTS (IF ANY) 5870 40TH LANE VERO BEACH, FL 32966

antecipatny
Short sale = satisfaction of judgment or
modification vacate per Cylio