

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

U.S. Bank National Association, as Trustee for  
BNC Mortgage Loan Trust 2006-1, Mortgage  
Pass-Through Certificates, Series 2006-1

Plaintiff(s),

V.

CASE NO.: 31-2012-CA-000728

John Figenschers and Carolyn Figenschers a/k/a  
Carolyn Williams, Husband and Wife;  
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).

FILE IN OPEN COURT

Date 8/9/13

By JT ST

**FINAL JUDGMENT OF FORECLOSURE**

THIS ACTION came before the Court for jury trial on August 9, 2013 and after hearing  
testimony of Jessica Jones of Wells Fargo Bank, NA the servicer and on the evidence presented,

IT IS ADJUDGED that:

1. **Amounts Due.** Plaintiff, U.S. Bank National Association, as Trustee for BNC  
Mortgage Loan Trust 2006-1, Mortgage Pass-Through Certificates, Series 2006-1,  
Wells Fargo Bank, NA, 3476 Stateview Blvd, MAC# X7801-013 (FC), Fort Mill,  
South Carolina 29715, is due:

Principal	\$168,584.78
Interest on the note and mortgage from December 1, 2011 to August 9, 2013	\$21,350.13
Per diem interest at rate 7.5% from August 1, 2011 to August 2, 2013	
Title search expense	\$295.00
Taxes	\$1,271.28
Insurance premiums	
Insurance	\$1,413.59

Property Inspections:	\$240.00
Appraisals	\$85.00
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.)	
Finding as to reasonable number of hours: 2.5	
Finding as to reasonable hourly rate: \$175.00	\$437.50
Finding as to reasonable number of hours: 9.6	
Finding as to reasonable hourly rate: \$150.00	\$1,440.00
Attorneys' fees total	\$3,177.50
Court costs	
Filing fee	\$945.00
Service of Process at	
\$55.00 / John Figenschers	
\$55.00 / Carolyn Figenschers a/k/a Carolyn Williams	\$220.00
\$55.00 / Unknown Parties in Possession #1	
\$55.00 / Unknown Parties in Possession #2	
Additional Costs	
Late Charges	\$56.95
Lis Pendens Recording Fee	\$10.50
<b>TOTAL</b>	<b><u>\$197,649.73</u></b>

2. **Interest.** The total amount in Paragraph 2 shall bear interest from this date forward at the prevailing rate.
3. **Lien on Property.** Plaintiff, U.S. Bank National Association, as Trustee for BNC Mortgage Loan Trust 2006-1, Mortgage Pass-Through Certificates, Series 2006-1, 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 18 AND THE SOUTH 3.5 FEET OF LOT 19, BLOCK D, INDIAN RIVER HEIGHTS UNIT 6, A SUBDIVISION, ACCORDING TO THE PLAT THEROF RECORDED IN PLAT BOOK 7, PAGE 17, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 120 13th Avenue, Vero Beach, FL 32962

4. **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 **SEPTEMBER 20, 2013** to the highest bidder for cash, except as prescribed herein 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. **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.

5. **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.

6. **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.

7. **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.

8. **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.**

DONE AND ORDERED on August 9, 2013 at Vero Beach, Florida.

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Cynthia L. Cox, Circuit Judge

Copies furnished to:

John Figensch, 120 13th Avenue, Vero Beach, FL 32962

Carolyn Figensch a/k/a Carolyn Williams, 120 13th Avenue, Vero Beach, FL 32962

Shapiro, Fishman & Gaché, LLP, [SFGBocaService@logs.com](mailto:SFGBocaService@logs.com)