

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

NATIONSTAR MORTGAGE LLC,  
Plaintiff,

CASE NO.: 2013 CA 000881

vs.

CARMEN W. NICOTRA; DEBORAH A.  
NICOTRA; UNKNOWN TENANT(S) IN  
POSSESSION #1 and #2, and ALL OTHER  
UNKNOWN PARTIES, including, if a named  
Defendant is deceased, the personal  
representatives, the surviving spouse, heirs,  
devisees, grantees, creditors, and all other parties  
claiming, by, through, under or against that  
Defendant, and all claimants, persons or parties,  
natural or corporate, or whose exact legal status is  
unknown, claiming under any of the above named  
or described Defendants,  
Defendant(s).

FILED FOR RECORD  
STATE/CLEARING  
SEP 23 2013  
JUDGE: JEFFREY R. SMITH  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY, FL

**FINAL JUDGMENT OF FORECLOSURE**  
**(Form approved by 19<sup>th</sup> Circuit Administrative Order 2011-01)**

THIS ACTION was heard before the Court upon Plaintiff's Motion for Summary Judgment on September 20, 2013. On the evidence 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. **Amounts Due.** Plaintiff **NATIONSTAR MORTGAGE LLC, c/o Nationstar Mortgage LLC, 350 Highland Drive, Lewisville, TX 75067**, is due.

|   |                     |
|---|---------------------|
| Principal   | <u>\$140,548.61</u> |
| Interest on the note and mortgage from 09/01/2012 to 07/19/2013 | <u>\$2,481.12</u>   |
| Per diem interest at \$7.70 from 07/20/2013 to 09/20/2013       | <u>\$485.10</u>     |
| Escrow Advances   | <u>\$2,287.88</u>   |

**COURT COSTS**

|                    |                 |
|--------------------|-----------------|
| Filing Fees        | <u>\$940.00</u> |
| Service of Process | <u>\$120.00</u> |

**ADDITIONAL COST**

Other – Streamline Modification  
 Inspection Fees

\$20,000.00\$73.20**TOTAL****\$166,935.91**

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 and described as:

**LOT 1, BLOCK 3, OF BELMONT PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 92, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

**A/K/A 1775 31st Avenue, Vero Beach, FL, 32960**

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 December 9, 2013 to the highest bidder for cash, except as prescribed in paragraph 6,:

CE ☒ By electronic sale at [www.indian-river.realforeclose.com](http://www.indian-river.realforeclose.com), FL, beginning at 10:00 AM.

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 plaintiffs 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 plaintiffs costs; second, documentary stamps affixed to the certificate; third, plaintiffs 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.

**NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA.ST. (2006).**

**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 LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (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 COURT, 2000 16TH AVENUE, VERO BEACH, FL 32960 (TELEPHONE: (772) 770-5176), 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.**

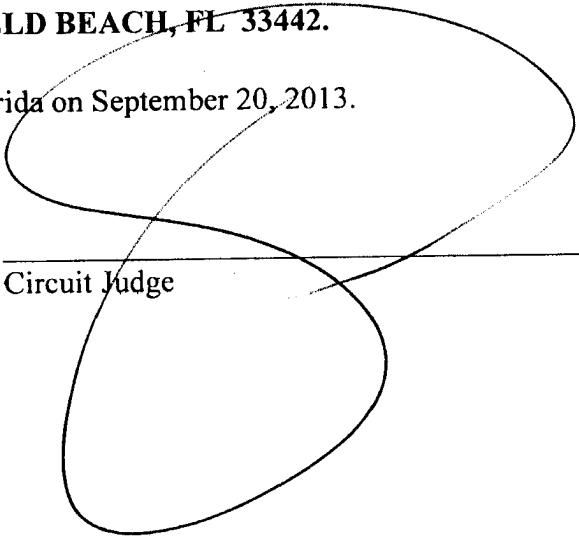
**IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPERTY INFORMATION. IF YOU CANNOT**

**AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FL 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 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FL 34950 (772-466-4766), YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

11. If any defendant remains in possession of the property, the clerk shall **upon further order of the court** issue forthwith a writ of possession upon request of the person named on the certificate of title.
12. Should the subject property be sold to a third party at the foreclosure sale, the Clerk of Court is directed to make the full amount of the sale proceeds due Plaintiff payable as follows:  
**POPKIN & ROSALER, P.A. TRUST ACCOUNT, 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.**

**ORDERED** at Indian River County, Florida on September 20, 2013.

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Circuit Judge



Copies furnished to:

Brian L. Rosaler, Esquire  
POPKIN & ROSALER, P.A.  
Attorney for Plaintiff  
1701 West Hillsboro Boulevard  
Suite 400  
Deerfield Beach, FL 33442

Carmen W. Nicotra  
1775 31st Avenue  
Vero Beach, FL 32960

Deborah A. Nicotra  
1775 31st Avenue  
Vero Beach, FL 32960