

IN THE CIRCUIT COURT OF THE  
19TH JUDICIAL CIRCUIT, IN AND FOR  
INDIAN RIVER COUNTY, FLORIDA  
CIVIL DIVISION:  
CASE NO.: 312013CA000718XXXXXX

WELLS FARGO BANK N.A.,  
Plaintiff,

vs.

JUDITH A FREESE; PELICAN POINTE  
OF SEBASTIAN I CONDOMINIUM  
ASSOCIATION, INC.; PELICAN POINTE  
UMBRELLA ASSOCIATION, INC.;  
WARD A FREESE; UNKNOWN TENANT  
IN POSSESSION OF THE SUBJECT  
PROPERTY,

Defendants.

FILED FOR RECORD  
CLERK OF CIRCUIT COURT  
INDIAN RIVER COUNTY  
2013 OCT -7 PM 1:01

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

*Note: This final judgment format may only be modified by adding language in sequentially numbered paragraphs beginning with paragraph 11. Attorneys may be sanctioned for submitting a final judgment which improperly varies the approved format.*

This action was heard before the court on plaintiff's Motion for Summary Final Judgment on August 12, 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. **Amount Due.** Plaintiff, WELLS FARGO BANK N.A. 4680 HALLMARK PARKWAY SAN BERNARDINO, CA 92407 is due:

1. Principal due on the note secured by the mortgage foreclosed:	\$	145,163.09
2. Interest on the note and mortgage from 4/1/2009 to 5/22/2013	\$	38,320.25
3. Per Diem interest at 25.35 from May 23, 2013 to October 4, 2013	\$	3,422.25
Taxes	\$	2,688.84
4. Pre-Acceleration Late Charges	\$	46.48

**Court Costs:**

5. Title Search Expenses	\$	200.00
6. Filing Fee	\$	966.50
7. Service of Process at \$ ____ per defendant	\$	500.00
8. Publication for Notice of Action	\$	0.00
<b>SUBTOTAL</b>	<b>\$</b>	<b>191,307.41</b>

**Additional Cost**

9. Property Inspections/Preservation	\$	75.00
<b>SUBTOTAL</b>	<b>\$</b>	<b>190,038.86</b>
<b>TOTAL SUM</b>	<b>\$</b>	<b>\$191,382.41</b>

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s) on the property located in Indian River County, Florida:

**CONDOMINIUM PARCEL 15B-5 OF PELICAN POINTE OF SEBASTIAN II, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OR BOOK 717, PAGE 1584 AND SUBSEQUENTLY AMENDED BY INSTRUMENTS RECORDED IN OR BOOK 719, PAGE 1446; OR BOOK 719, PAGE 2344; OR BOOK 720, PAGE 1878; OR BOOK 720, PAGE 2682; OR BOOK 720, PAGE 2686; OR BOOK 726, PAGE 2991; OR BOOK 739, PAGE 2547, AND OR BOOK 769, PAGE 295 PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA TOGETHER WITH AN UNDIVIDED SHARE OF THE COMMON ELEMENTS DECLARED IN SAID DECLARATION TO BE APPURTENANT TO THE ABOVE DESCRIBED DWELLING UNIT**

Property address: **9630 RIVERSIDE DR 5, SEBASTIAN, FL 32958**

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 15<sup>th</sup> day of November, 2013 to the highest bidder for cash, except as prescribed in paragraph 6,

\_\_\_\_\_ at \_\_\_\_\_ beginning at \_\_\_\_\_.  
 by electronic sale at [www.Indian-River.realforeclose.com](http://www.Indian-River.realforeclose.com) in accordance with section 45.031, Florida Statutes 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 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.

6. 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.

7. **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.

8. **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 the plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the 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.

9. **Right of Redemption.** On the filing of 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.

10. **Right of Possession.** Upon 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 Act Foreclosure Act of 2009".

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

12. **If Plaintiff is the Purchaser at the sale, Plaintiff's bid is hereby assigned to FEDERAL NATIONAL MORTGAGE ASSOCIATION, and the Clerk of Court is hereby directed to issue a Certificate of Title to assignee named therein.**

13. **Upon issuance of the Certificate of Title, Plaintiff or the purchaser at the Foreclosure Sale shall be liable for condominium association dues pursuant to Florida Statutes 718.116.**

**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.**

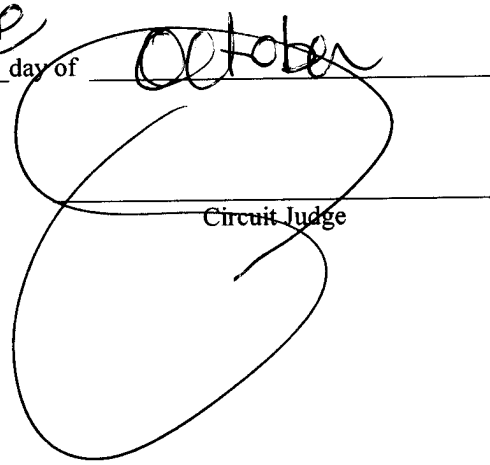
**IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, 2000 16TH AVENUE Vero Beach, FL 32960, (772) 770-5176 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 200 SOUTH INDIAN RIVER DRIVE SUITE 101 (34950) P.O. BOX 4333**

**FT. PIERCE, FL 34948 PHONE: (772) 466-4766 (TOLL FREE) (888) 582-3410 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 (34950) P.O. BOX 4333**

**FT. PIERCE, FL 34948 PHONE: (772) 466-4766 (TOLL FREE) (888) 582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

ORDERED at Indian River County, Florida on 4<sup>th</sup> day of October, 2013.



Circuit Judge

Copies to all Parties on the attached service list:

Choice Legal Group, P.A.  
1800 N.W. 49TH Street, Suite 120  
Fort Lauderdale, FL 33309  
Telephone: (954) 453-0365/1-800-441-2438  
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DESIGNATED PRIMARY E-MAIL FOR SERVICE  
PURSUANT TO FLA. R. JUD. ADMIN 2.516  
**eservice@clegalgroup.com**

**SERVICE LIST**

Case No: 312013CA000718XXXXXX

JUDITH A FREESE  
337 HARP TER.  
SEBASTIAN, FL 32958

PELICAN POINTE OF SEBASTIAN I CONDOMINIUM ASSOCIATION, INC.  
3055 CARDINAL DR. STE. 302  
VERO BEACH, FL 32960

PELICAN POINTE UMBRELLA ASSOCIATION, INC.  
2001 9TH AVENUE, SUITE #308  
VERO BEACH, FL 32960

WARD A FREESE  
337 HARP TER.  
SEBASTIAN, FL 32958

UNKNOWN TENANT(S) IN POSSESSION  
OF SUBJECT PROPERTY  
9630 RIVERSIDE DR 5  
SEBASTIAN, FL 32958

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