

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR ST. LUCIE COUNTY, FLORIDA

WELLS FARGO BANK, NA,

CASE NO.: 31-2012-CA-000935

Plaintiff,

VS.

CHRISTINE M. FOLEY A/K/A CHRISTINE  
MAURA MURPHY; WELLS FARGO  
BANK, N.A.; JOHN J. FOLEY,

FILE IN OPEN COURT  
Date 10/11/13  
By CAW/JT

Defendant(s).

Consent  
**FINAL JUDGMENT**

THIS ACTION was heard before the Court on the Non-Jury Trial on **October 11, 2013**.

On the evidence presented,

IT IS ADJUDGED THAT:

1. **Final Judgment Granted.** There is no dispute of material facts and final judgment is granted.
2. **Amounts Due.** Plaintiff, WELLS FARGO BANK, NA is due:

Principal	\$124,939.53
Interest from 2/1/2011 through 9/25/2013	\$12,825.29
Per Diem Interest at \$13.26 per day from 9/26/2013 to 10/11/2013	\$212.16
Title search expense	\$325.00
Taxes	\$4,289.66
Insurance Premiums	\$4,249.19
Attorney's fees non-litigated \$1,325.00	
Attorney's fees litigated \$1,750.00	
Attorney's fees total	\$3,075.00
Court costs	
Filing fee	\$987.00
Service of Process	\$857.60
Additional Costs	
Property Inspections	\$345.00

Bankruptcy Attorney's fees	\$600.00
Bankruptcy Costs	\$176.00
<b>Subtotal:</b>	<b>\$152,881.43</b>
LESS: Escrow Balance	\$
LESS: Unearned insurance premiums	\$
LESS: Other	\$
<b>TOTAL</b>	<b>\$152,881.43</b>

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.
4. **Lien of Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), on the following described property in St. Lucie County, Florida and described as:

**LOT 15, BLOCK 1, OF BUCKINGHAMMOCK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 3, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

**Property Address: 3040 10TH PARKWAY, VERO BEACH, FLORIDA 32960**

5. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to the Judgment are not paid, the Clerk of this Court shall sell the property at public sale on the 20<sup>th</sup> day of February, 2014 to the highest bidder for cash, except as prescribed in Paragraph 6,:

By electronic sale at https://stlucie.clerkauction.com beginning at 10:00 am on the prescribed date.

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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorney's fees; fourth, the total sum due to plaintiff, less the item 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 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 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.
11. Furthermore, jurisdiction of this action is retained to enter further orders that are proper including, without limitation, orders relating to supplemental proceedings to address any omitted parties who may possess an interest in the property.
12. The Reformation of Deed as prayed for in Count Two of Plaintiff's Complaint is GRANTED, on the grounds that there are no issues of material fact and Plaintiff is entitled to such relief as a matter of law. This Order shall express the true intent of the parties and order that the Deed recorded December 19, 2002 in Official Records Book

1548, Page 0024, of the Public Records of Indian River County, Florida reflect the correct and proper legal description to wit:

**LOT 15, BLOCK 1, OF BUCKINGHAMMOCK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 3, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

**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 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 FOR YOUR COUNTY 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.**

<b>St. Lucie County Clerk of Court</b>
201 South Indian River Drive
Fort Pierce, FL 34950

**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 THE LOCAL LEGAL SERVICES LISTED BELOW 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 ONE OF THE SERVICES LISTED BELOW, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

St. Lucie County
<b>Florida Immigrant Advocacy Center</b> Fort Pierce, FL (772) 489-4660 <a href="http://www.fiacfla.org">www.fiacfla.org</a>
<b>Florida Institutional Legal Services, Inc.</b> Gainesville, FL (352) 375-2494 <a href="mailto:fls@bellsouth.net">fls@bellsouth.net</a>
<b>Florida Justice Institute</b> Miami, FL (305) 358-2081
<b>Florida Rural Legal Services</b> Fort Pierce, FL (772) 466-4766 <a href="http://www.frjs.org">www.frjs.org</a>

**DONE AND ORDERED** at St. Lucie County, Florida, this 11<sup>th</sup> day of

October, 2013

Circuit Court Judge

**Copies Furnished to:**

**ALDRIDGE | CONNORS, LLP**

Attorney for Plaintiff

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Wells Fargo Bank, N.A.

c/o: Corporation Service Company- R.A.

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