

61202005

FALCON TRACE HOMEOWNERS'
ASSOCIATION, INC., a non-profit
Florida corporation,

Plaintiff,
vs.

DAVID T. WASHINGTON;
UNKNOWN SPOUSE OF DAVID T.
WASHINGTON, N/K/A BARBARA
WASHINGTON, et al.

Defendant(s).

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL
CIRCUIT IN AND FOR INDIAN RIVER COUNTY,
FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2013CA000549

312013CA000549
FILE IN OPEN COURT
Date 10-17-13
By CR PH

**PUBLISH IN THE SCRIPPS TREASURE
COAST NEWSPAPER**

**SUMMARY FINAL
JUDGMENT OF FORECLOSURE**

(Pursuant to Administrative Order No. 2011-
01)

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment of Foreclosure on Thursday, **October 17, 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, FALCON TRACE HOMEOWNERS' ASSOCIATION, INC., 3900 WOODLAKE BLVD. #309, LAKE WORTH, FLORIDA 33463, is due:

Principal due for assessments and late fees through 10/2013	\$1,587.00
Interest on Assessments from 1/2013 to 10/2013	\$132.55
Title search expenses	\$158.00
Taxes for the year of	\$ N/A
Insurance premiums	\$ N/A
<u>Court Costs:</u>	
Filing fee-Claim of Lien	\$23.50
Filing fee-Notice of Lis Pendens and Complaint	\$466.59
Service of Process	\$430.00
Publication for Sale	\$494.00
Clerk Sale Fee	\$70.00
Recording Fee, Release of Lien and Satisfaction of Judgment	\$20.00

SUBTOTAL \$3,381.64

Additional Costs:

Diligent Search Fees	\$50.00
Review of File by Ryan Lamchick, Esq.	\$50.00
Administrative Fees	\$286.09

SUBTOTAL	\$3,767.73
Attorney fees based upon 10.74 hours at \$225.00 per hour	\$2,416.50
Less: Undisbursed escrow funds	\$ N/A
Less: Unearned insurance premiums	\$ N/A
GRAND TOTAL	\$6,184.23

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 grand total sum specified in Paragraph 2 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 720. The plaintiff's lien encumbers the subject property located in INDIAN RIVER County, Florida and described as:

Lot No. 152 of FALCON TRACE 5, as recorded in Plat Book 21, at Page 52, of the Public Records of Indian River County, Florida.

PROPERTY ADDRESS: 2016 GREY FALCON CIRCLE SW, VERO BEACH, FL 32962

5. **Sale of property.** If the total sum with interest at the rate described in Paragraph 3 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 December 2, 2013, to the highest bidder for cash, except as prescribed in Paragraph 6, at

[x]www.indian-river.realforeclose.com, the Clerk's website for on-line auctions 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 others 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. Failure to file the original proof of publication 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.
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". If any defendant remains in the possession of the property, the clerk shall without further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of title.
10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment
11. **Attorneys Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 10.74 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$225.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

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 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 INDIAN RIVER COUNTY, INDIAN RIVER COUNTY COURTHOUSE, 2000 16TH AVENUE, VERO BEACH, FLORIDA JEFFREY K. BARTON (772) 770-5185, CIRCUIT CIVIL DIVISION OR 1-888-582-3410, 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 PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES, 510 S. U.S. HWY 1, SUITE 1, FORT MYERS, FLORIDA 34948 (TELEPHONE: (772) 466-4766; 1-888-582-3410), 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 LEGAL AID SOCIETY OF THE INDIAN RIVER COUNTY BAR ASSOCIATION FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

ORDERED at Vero Beach, Indian River County, Florida, on October 17, 2013.



Circuit Court Judge

Copies furnished to:

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