

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT, IN AND
FOR INDIAN RIVER COUNTY
GENERAL JURISDICTION DIVISION
CASE NO: 2012-CA-002253

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RASC 2006-KS4

Plaintiff

vs.

JAMES ROBERT MAXWELL; RILEY K.
MAXWELL; UNKNOWN TENANT(S)

Defendant(s)

312012CA002253

FINAL JUDGMENT OF FORECLOSURE

(Form Approved by 19th Circuit Administrative Order 2011-01)

This action was heard before the court at trial on November 1st, 2013. On the evidence presented:

IT IS ADJUDGED that:

1. **Judgment Granted.** Judgment is entered in favor of the Plaintiff and against all defendants.
2. **Amounts Due.** Plaintiff, US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RASC 2006-KS4, whose address is c/o Ocwen Loan Servicing, LLC, 1661 Worthington Rd # 100, West Palm Beach, FL 33409, is due:

Principal	\$207,468.43
Interest to date of this judgment, 11/1/2013	\$10,631.79
Escrow Balance /Advance	\$3,499.17
Late Charges	\$905.94
Property inspection	\$10.50
Property Preservation/BPO	\$107.00

FILED FOR RECORD
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
2013 NOV -4 AM 8:36
JEFFREY R. SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY

Attorneys' fees:

Finding as to reasonable number of hours rate for trial preparation and attendance: 10

Finding as to reasonable hourly rate for trial preparation and attendance: \$175.00

Other*: \$675.00 Attorney Fee

(*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.)

Attorneys' fees total \$2,425.00

Court costs \$0.00

Filing Fee

Service of Process at \$

Publication for

Additional Costs

Diligent Search \$100.00

Subtotal: \$225,147.83

LESS: Escrow balance

Less: Unearned insurance premiums

LESS: Other:

TOTAL \$225,147.83

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:

THE WEST 140 FEET OF LOT 17, AND THE SOUTH 12 FEET OF THE WEST 146.7 FEET OF THE EAST 151.7 FEET LOT 17, BRASCH'S GREEN ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF INDIAN RIVER COUNTY, FLORIDA IN PLAT BOOK 2, PAGE 100. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 12 FEET OF THE WEST 175 FEET OF THE EAST 180 FEET OF LOT 16 OF THE AFORESAID BRASCH'S GREEN ACRES SUBDIVISION.

COMMENCE AT THE NORTHWEST CORNER OF LOT 17, BRASCH'S GREEN ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 100, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE PROCEED EAST ALONG THE NORTH LINE OF LOT 17 A DISTANCE OF 146.29 FEET TO THE POINT OF BEGINNING; THENCE PROCEED WEST ALONG THE NORTH LINE OF LOT 17 A DISTANCE OF 6.29 FEET TO THE NORTHWEST CORNER OF THE WEST 146.70 FEET OF THE EAST 151.70 FEET OF SAID LOT 17; THENCE PROCEED SOUTH A

DISTANCE OF 128.00 FEET TO THE SOUTHWEST CORNER OF THE WEST 146.70 FEET OF THE EAST 151.70 FEET OF SAID LOT 17; THENCE PROCEED EAST ALONG THE SOUTH LINE OF LOT 17 A DISTANCE OF 12.10 FEET; THENCE PROCEED ON AN ANGLE RIGHT OF 87°13'48" RIGHT FROM THE PREVIOUS LINE, A DISTANCE OF 128.15 FEET TO THE POINT OF BEGINNING.

Property Address: 1141 27TH AVENUE, VERO BEACH, FL32960

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 the 16th day of January, 2014, to the highest bidder for cash, except as prescribed in paragraph 6:

At www.indian-river.realforeclose.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 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, 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.

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, INDIAN RIVER COUNTY, 2000 16TH AVENUE, CIVIL DEPARTMENT, ROOM 136, VERO BEACH, FL 32960, 772-770-5156, 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, FT. 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 200 SOUTH INDIAN RIVER DRIVE SUITE 101, FT. PIERCE, FL 34948 (772) 466-4766 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Indian River County Florida, on November 1st, 2013.

Presiding Judge

COPIES FURNISHED TO:

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