

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 312012CA001599

FOR CLERK'S USE ONLY

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

Plaintiff,

vs.

ALL UNKNOWN HEIRS, CREDITORS, DEVISEES,
BENEFICIARIES, GRANTEES, ASSIGNEES, LIENORS,
TRUSTEES, AND ALL OTHER PARTIES CLAIMING AN
INTEREST BY, THROUGH, UNDER OR AGAINST DAVID
LIETZ A/K/A DAVID R. LIETZ A/K/A DAVID RANDALL
LIETZ, DECEASED; DAVID W. LIETZ; DEBORAH S. LIETZ;
UNKNOWN SPOUSE OF DAVID W. LIETZ; UNKNOWN
SPOUSE OF DEBORAH S. LIETZ; BANK OF AMERICA, N.A.;
UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT
PROPERTY;

Defendants.

FILE IN OPEN COURT
Date 12/6/13
By JT ST

CONSENT FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard tried the Court on Plaintiff's Final Judgment on December 6, 2013 and after hearing testimony from Karen Shell of JP Morgan Chase and on the evidence presented; **IT IS ADJUDGED** that:

1. **Judgment Granted.** Plaintiff is entitled to entry of final judgment.
2. **Amounts Due.** Plaintiff, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, 3415 VISION DRIVE, COLUMBUS OHIO, 43219 is due:

Principal due on the note secured by the mortgage foreclosed	\$	23,072.54
Interest on the note and mortgage from 3/1/2012 to 12/6/2013	\$	2,598.15
Late Charges	\$	39.14
Title Search expenses	\$	200.00
Escrow Advances:	\$	2,750.13
Taxes		
-2012 \$1,039.41		
Hazard Insurance	\$2,532.94	
-2013 \$1,266.47		
-2012 \$1,266.47		
Credit(s) to Escrow	\$(822.22)	
Court Costs:		
Filing fee	\$	475.00
Service of process	\$	251.00
Publication fee	\$	483.99
Guardian ad litem fees	\$	337.50
Additional Costs:		
Property Inspections	\$	252.00
TOTAL:	\$	<u>30,459.45</u>

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:

LOT 1, GREENBRIAR UNIT ONE, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COUNTY IN AND FOR INDIAN RIVER COUNTY, FLORIDA RECORDED IN PLAT BOOK 6, PAGE 52, SAID LANDS SITUATE, LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

a/k/a 1965 79TH AVENUE, VERO BEACH, FLORIDA 32966

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 subject property at public sale on **APRIL 7, 2014** to the highest bidder for cash, except as prescribed in Paragraph 6, BY **ELECTRONIC SALE AT: WWW.INDIAN-RIVER.REALFORECLOSE.COM** beginning 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 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. 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 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.

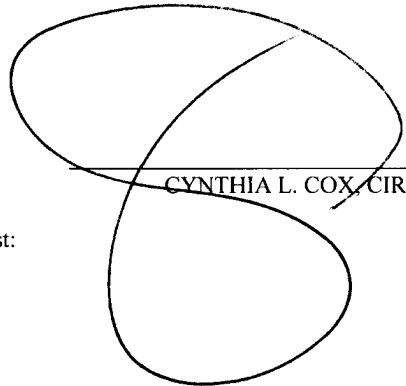
5. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not the purchaser of the property for sale, provided however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on 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.
6. **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.
7. **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 the property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.
8. **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 At Foreclosure Act of 2009."
9. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including without limitation, a deficiency judgment. The retention of jurisdiction to enter deficiency judgments set forth, shall not apply if personal liability has been discharged under the provisions of the U.S. Bankruptcy code (11 U.S.C. § 101, et seq.).
10. Jurisdiction of this action is retained to allow for a supplemental complaint to add omitted parties post-judgment.
11. **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.**

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 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 THE COURT, 2000 16TH AVENUE, VERO BEACH, FLORIDA 32960 (TELEPHONE: 772 7705185), 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 S. INDIAN RIVER DRIVE, SUITE 101, FT. PIERCE, FL 34948 PHONE: 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 THE INDIAN RIVER COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at Vero Beach, INDIAN RIVER County, Florida, this 6th day of December, 2013.



CYNTHIA L. COX, CIRCUIT JUDGE

Copies furnished to the parties listed on the attached service list:

KAHANE & ASSOCIATES, P.A.

Designated service email: notice@kahaneandassociates.com

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DEBORAH S. LIETZ 255 18TH AVENUE VERO BEACH, FLORIDA 32962

UNKNOWN TENANT(S) 1965 79TH AVENUE VERO BEACH, FLORIDA 32966

BANK OF AMERICA, N.A. 1333 S UNIVERSITY DR PLANTATION, FLORIDA 33324