

WATERS EDGE PHASE II HOMEOWNERS
ASSOCIATION OF VERO BEACH, INC.,

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

Plaintiff,

v.

DENNIS VAN BLARCOM,

CASE NO. 312012CA001705

Defendant.

FILE IN OPEN COURT
Date 12/19/13
By [Signature]

FINAL JUDGMENT OF FORECLOSURE

(Form Approved by 19th 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 Final Summary Judgment of Foreclosure and Motion to Tax Costs and Attorney's Fees on **December 6, 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, WATERS EDGE PHASE II HOMEOWNERS ASSOCIATION OF VERO BEACH, INC., P. O. Box 690995, Vero Beach, FL 32969, is due:

| | |
|--|---------------------------|
| Maintenance due 9/1/09 | \$ 138.00 |
| Maintenance due 1/1/10, 5/1/10 and 9/1/10 at \$138.00 each | \$ 414.00 |
| Maintenance due 1/1/11, 5/1/11 and 9/1/11 at \$145.00 each | \$ 435.00 |
| Maintenance due 1/1/12, 5/1/12 and 9/1/12 at \$145.00 each | \$ 435.00 |
| Maintenance due 1/1/13, 5/1/13 and 9/1/13 at \$145.00 each | \$ 435.00 |
| Interest through 12/6/13 | \$ 713.39 |
| Late fees at \$25.00 each | \$ 325.00 |
| Lawn Maintenance Fees | \$ 1,760.00 |
| Subtotal | <u>\$ 4,655.39</u> |
| Less Payments and credits | \$ - |
| Subtotal | <u>\$ 4,655.39</u> |

Attorney's Fees: **\$ 4,400.00**
Finding as to reasonable number of hours: 5.60 hours
Finding as to reasonable hourly rate: \$250.00 per hour
*Flat Fees: \$3,000.00

Other*:

(*The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this mater. 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.)

| Court Costs: | |
|--|--------------------|
| Indian River County Filing Fee | \$ 446.00 |
| Service of Process | \$ 440.00 |
| Attorney's Title Service | \$ 25.00 |
| Pacer | \$ 0.24 |
| Thomson West - Legal Research | \$ 66.75 |
| Placing and Releasing Claim of Lien | \$ 20.00 |
| Certified Mail/photocopies (est.) | \$ 45.30 |
| Clerk's Online Auction Registration Fee | \$ 70.00 |
| Clerk's post-sale fees/doc.stamps (est.) | \$ 150.00 |
| Publication Fee (est.) | \$ 400.00 |
| Subtotal | \$ 1,663.29 |
| Less Payments and credits | \$ - |
| Subtotal | \$ 1,663.29 |

TOTAL **\$10,718.68**

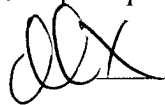
3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.

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 110 of WATERS EDGE PLAT TWO, according to the Plat thereof as recorded in Plat Book 16, Pages 67-67D of the Public Records of Indian River County, Florida.

(Property address: 3672 – 2nd Place, SW Vero Beach, FL)

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 January 6, 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. 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.

11. **Plaintiff is not attempting to collect any debts that have been discharged, avoided, or eliminated in any bankruptcy proceeding.**

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 FOR INDIAN RIVER COUNTY, FLORIDA, 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, Inc., 510 South US Highway 1, Suite 1, P. O. Box 4333, Ft. Pierce, FL 34948, Phone (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, Inc., 510 South US Highway 1, Suite 1, P. O. Box 4333, Ft. Pierce, FL

34948, Phone (772) 466-4766 **FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

DONE AND ORDERED at Vero Beach, Indian River County, Florida, this 6th day of December, 2013.



CIRCUIT JUDGE

Copies furnished:

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