

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

WELLS FARGO BANK, N.A.

Plaintiff,

CASE NO. 31 2013 CA 000456

v.

THE UNKNOWN HEIRS, GRANTEEES, DEVISEES, LIENORS, TRUSTEES, AND CREDITORS OF GENE OATHOUT A/K/A EUGENE OATHOUT, DECEASED; JOHN ALLEN OATHOUT; DAVID EUGENE OATHOUT; UNKNOWN TENANT 1; UNKNOWN TENANT 2; UNKNOWN TENANT 3; UNKNOWN TENANT 4; UNKNOWN TENANT 5; UNKNOWN TENANT 6; AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER OR AGAINST THE ABOVE NAMED DEFENDANT(S), WHO (IS/ARE) NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES CLAIM AS HEIRS, DEVISEES, GRANTEEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES, SPOUSES, OR OTHER CLAIMANTS; CITRUS BANK, NATIONAL ASSOCIATION; UNITED STATES OF AMERICA, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Defendants.

FILED FOR RECORD
SUBBATE/GUARDIAN
COURT/COUNTY
2014 JAN 10 PM 2:33
JEFFREY R. SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL
ST

FINAL JUDGMENT OF FORECLOSURE

(Form Approved by 19th Circuit Amended 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 Summary Final Judgment on January 10, 2014. 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 WELLS FARGO BANK, N.A., One Home Campus, Des Moines, IA 50328, is due:

Principal	\$	152,700.18
Interest on the note and mortgage from August 14, 2012 to 10/28/2013	\$	16,120.56
Per diem interest at \$8.41 from 10/29/2013 to 01/10/2014	\$	613.93
Title search expense	\$	325.00
Taxes	\$	3,931.33
Insurance premiums	\$	4,418.06
Attorneys' Fees:		
For the contested portion of the foreclosure action:		
Finding as to reasonable number of hours: _____ hours		
Finding as to reasonable hourly rate: \$_____ per hour \$_____		
Other*: For the uncontested portion of the foreclosure action <u>\$1,400.00</u>		
(* 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' Fee Total:	\$	1,400.00
Court Costs:		
Filing Fee	\$	917.50
Service of Process	\$	764.50
Additional Costs:		
Property Inspections	\$	90.00
PMI / MIP Insurance	\$	8,339.42
Service Fees	\$	1,890.00
Guardian Ad Litem Fee	\$	364.50
Recording Fee - Lis Pendens	\$	10.00
LP Update and Examination	\$	50.00
Investigative Searches	\$	325.00
Record Death Certificate	\$	10.00
Clerk - Issue Summons	\$	100.00
SUBTOTAL	\$	192,369.98
LESS: Unapplied Credits	\$	0.00
TOTAL	\$	192,369.98

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 first mortgage 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 2, KING'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE(S) 9, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SAID LANDS NOW SITUATE, LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

Property address: **905, 907 AND 909 19TH PL., VERO BEACH, FL 32960-5378**

5. **Sale of Property.** If the total sum with interest at the rate described in paragraph 2 and all costs
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accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on February 25, 2014, to the highest bidder for cash, except as prescribed in Paragraph 6,:

 online by electronic sale at www.indianriver.realforeclose.com, beginning at ten o'clock 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 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.

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. If there are any objections to the sale filed or other matters that would delay disbursement of the sale proceeds past the eleventh day after the sale, Plaintiff may be entitled to interest at the rate prescribed in Paragraph 4 from this date to the actual date of issuance of the Certificate of Disbursements and Certificate of Title.

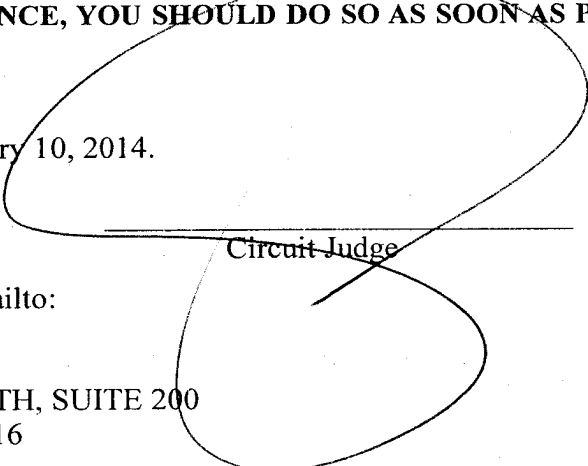
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

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 P.O. BOX 1028, VERO BEACH, FL 32961-1028 TELEPHONE 772-770-5185 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 (INDIAN RIVER) FLORIDA RURAL LEGAL SERVICES, , TELEPHONE 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 (INDIAN RIVER) FLORIDA RURAL LEGAL SERVICES, , TELEPHONE 772-466-4766 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED on January 10, 2014.


Circuit Judge

Copies furnished by U.S. Mailto:

DOUGLAS C. ZAHM, P.A.
12425 28TH STREET NORTH, SUITE 200
ST. PETERSBURG, FL 33716

DAVID EUGENE OATHOUT
11735 SE 217TH PLACE
KENT, WA 98031

888130384

JOHN ALLEN OATHOUT
2000 SOUTH SWEET GUM AVENUE
BROKEN ARROW, OK 74012

UNITED STATES OF AMERICA, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
C/O U.S. ATTORNEY
99 NE 4TH STREET
13TH FLOOR
MIAMI, FL 33132
USAFLS.2410@USDOJ.GOV

CITRUS BANK, NATIONAL ASSOCIATION
C/O ANY OFFICER, DIRECTOR OR REGISTERED AGENT
1717 INDIAN RIVER BLVD.
VERO BEACH, FL 32960

BARBARA BOGOSIAN POWER, ESQ. (GAL FOR THE UNKNOWN HEIRS, GRANTEEES,
DEVISEES, LIENORS, TRUSTEES, AND CREDITORS OF GENE OATHOUT A/K/A EUGENE OATHOUT,
DECEASED)
1413 21ST ST, STE A
VERO BEACH, FL 32960
BARBARAPOWER@VEROBEACHLAW.COM

OCCUPANT
905, 907 AND 909 19TH PL.
VERO BEACH, FL 32960-5378