

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

INDIAN RIVER COUNTY HABITAT
FOR HUMANITY, INC., a Florida
non-profit corporation,

CASE NO.:31-2013-CA-001230
Judge Cynthia Cox

Plaintiff,

vs.

STACY MOORE; UNKNOWN SPOUSE OF STACY MOORE;
INDIAN RIVER COUNTY, a political
subdivision of the State of Florida;
GRACE GROVE HOMEOWNERS' ASSOCIATION,
INC., a Florida non-profit corporation;
JOHN DOE and JANE DOE as unknown tenants in possession;
and any and all unknown parties claiming by, through,
under, and/or against the herein named
individual defendants who are not known
to be dead or alive, whether said unknown
parties may claim an interest as spouses, heirs,
devisees, grantees or other claimants;

Defendants.

FILED FOR RECORD
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
2014 MAR 14 PM 2:47

SUMMARY FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Amended Motion for Summary Final Judgment on March 14, 2014. On the evidence presented,

IT IS ADJUDGED that:

1. **Motion Granted.** There is no dispute of material facts, and Plaintiff's Amended Motion for Summary Final Judgment is granted.
2. **Amounts Due.** Plaintiff, Indian River County Habitat for Humanity, Inc., 4568 North U.S. #1, Vero Beach, Florida 32967, is due:

A.	Principal amount due on First Note & Mortgage.....	\$26,597.76
B.	Principal amount due on Second Note & Mortgage	19,393.00
B.	Accrued interest from <u>5/1/2013 to 3/14/2014</u>	7,189.68
	(18 % <u>per annum</u>)	
C.	Late Fees	200.00
D.	HOA Fees, Insurance, & Taxes	2,162.97
	Total Due on Notes	\$55,543.41

Court Costs

Filing Fee/Lis Pendens.....	\$ 439.60
Summonses (6).....	96.00
Service of Process Fees.....	350.00
Title Search 4/24/13	<u>200.00</u>

Total Costs **\$1,085.60**

Attorneys' Fees

Attorney's Fees based upon <u>11.7</u> hours @ \$200.00/hr.....	\$2,340.00
Attorney's Fees based upon additional 4 hours @ \$200.00/hr.	800.00

Subtotal on Attorneys' Fees..... **\$3,140.00**

TOTAL **\$59,769.01**

3. **Interest.** The total amounts 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 which is superior to all claims or estates of all Defendants in this matter on the following described property in Indian River County, Florida:

Lot 26, Grace Grove, Phase II, according to the map or plat thereof as recorded in Plat Book 19, Page 45, Public Records of Indian River County, Florida.
Parcel ID# 3239270001500000026.0
Property Address: 4067 42nd Square, Vero Beach, FL 32967

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 Court shall sell the property at public sale on April 28, 2014, to the highest bidder for cash, except as prescribed in paragraph 6:

XX 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, 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 Plaintiff, Plaintiff's counsel individually, and the law firm representing 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 direction

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 attorney's 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, Defendants and all persons claiming under or against Defendants 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 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, CIRCUIT CIVIL DIVISION AT INDIAN RIVER COUNTY COURTHOUSE, 2000 - 16TH AVENUE, FLORIDA 32960, TELEPHONE 772-770-5185,** 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 SOUTH US HWY #1, SUITE 1, FORT PIERCE, FLORIDA 34950, TELEPHONE 888-582-3410 or 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, 510 SOUTH US HWY #1, SUITE 1, FORT PIERCE, FLORIDA 34950, TELEPHONE 888-582-3410 or 772-466-4766** FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED on March 4, 2014.



CIRCUIT COURT FORECLOSURE JUDGE

Copies to:

C. Douglas Vitunac, Esq., 756 Beachland Blvd., Vero Beach, Fla. 32963;
dvitunacpleadings@verolaw.com

Indian River County, c/o William DeBraul, Deputy County Attorney 1801 - 27th Street, Bldg A, Vero Beach, Fla. 32960; bdebraal@ircgov.com

Stacy Moore, 4067 42nd Square, Vero Beach, FL 32967

Gulot Sauveur, 4067 42nd Square, Vero Beach, FL 32967

Grace Grove Homeowners' Association, Inc., c/o, Andrew Bowler, 4568 North US Highway #1, Vero Beach, Florida 32967