

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

Verona Trace Homeowners Association, Inc., a Florida
Non Profit Corporation,

CASE NO. 2012 CA 001618
312012 CA 001618

Plaintiff,
v.

Andrew Alexander and Janella L. Alexander, and any
Unknown Heirs, Devisees, Grantees, Creditors and
Other Unknown Persons or Unknown Spouses Claiming
By, Through and Under Andrew Alexander and Janella
L. Alexander,

Defendant(s). _____/

14 MAY 20 AM 10:03
JEFFREY R. SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL
BY: [Signature] S.A. D.C.

FILED
MAY 20 2014
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL

FINAL JUDGMENT OF CONDOMINIUM/HOMEOWNER'S ASSOCIATION FORECLOSURE

THIS ACTION was heard before the Court on May 14, 2014 on Plaintiff's Motion for Summary Final Judgment and after reviewing the motion, summary judgment evidence and the entire court file, hearing argument and being otherwise duly advised in the premises, the Court finds that this action was filed by the HOA on September 10, 2012; that Defendants filed their answer and affirmative defenses on October 26, 2012; that said affirmative defenses included unclean hands, time and duration and misleading notices which are legally insufficient; that Plaintiff's affidavit evidences that Defendants have failed to make any payments toward their assessments since January 21, 2010; that Defendant's amended affidavit in opposition is vague and includes mere conclusions of law without allegations of ultimate fact in dispute; that Defendants have not come forward with counterevidence sufficient to reveal a genuine issue (See *770 PPR v. Seacoast*, 30 So. 3d 613 (4th DCA 2010) and *Harvey v. Haley*, 175 So. 2d 780 (Fla. 1965)); that no material fact was disputed regarding the outstanding assessments due from February 1, 2010; that the sum of \$49.46 is the only amount in dispute after payment on 1/21/10 which has been credited herein and it is thus

IT IS ORDERED AND ADJUDGED that Plaintiff's Motion for Summary Final Judgment is **GRANTED** against all Defendants listed by name: Andrew Alexander and Janella L. Alexander.

- Amounts Due and Owning.** As of May 14, 2014 Plaintiff is due:

Assessments/maintenance, late fees, interest and collection costs, if applicable:	\$5,880.32
<u>Attorney's Fees:</u>	RESERVED

Court Filing fee:	\$401.00
Summons:	\$20.00
Service of Process:	\$60.00
Recording of <i>Lis Pendens</i> :	\$5.00
Title Search:	\$10.00
Recording of Lien:	\$10.00

TOTAL: \$6,386.32

2. **Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the rate of interest of 4.75%.

3. **Lien on Property.** Plaintiff, Verona Trace Homeowners Association, Inc. c/o Association Law Group, P.L., whose address is 1200 Brickell Avenue, PH 2000, Miami Florida 33131 holds a lien for the grand total sum specified in Paragraph 1 herein superior to all claims or estates of the Defendant(s), on the following described property in INDIAN RIVER County, Florida:

LOT 334, OF VERONA TRACE SUBDIVISION AND THE VILLAS AT VERONA TRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 69, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 9950 East Villa Circle, Vero Beach, FL 32966.

4. **Sale of property.** If the grand total amount with interest at the rate described in Paragraph 2 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on JULY 3, 2014 at 10:00 A.M. to the highest bidder for cash, except as prescribed in Paragraph 6, after having first given notice as required by Section 45.031, Florida Statutes, using the following method:

by electronic sale beginning at 10:00 A.M. on the prescribed date at www.indianriver.realforeclose.com.

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 documentary stamp taxes affixed to 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, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

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 Possession.** Upon 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. 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."

8. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

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 LIEN HOLDER 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.

The following applies if the subject property has qualified for the homestead tax exemption in the most recent approved tax roll.

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, FL 32960 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 THE LEGAL AID SOCIETY AT THE INDIAN RIVER BAR ASSOCIATION, 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, POST OFFICE BOX 4333, TELEPHONE: (561) 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 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 in Indian River County, Florida, this 14th day of May 2014.



THE HONORABLE CYNTHIA L. COX
Circuit Judge

Copies furnished to:

David Krempa, Esq. Primary Email: dkrempa@algpl.com; Secondary Email: filings@algpl.com
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