

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

NATIONSTAR MORTGAGE LLC
Plaintiff,
vs.
KIPP ERIC MCCANN; UNKNOWN
SPOUSE OF KIPP ERIC MCCANN;
CAPITAL CITY BANK; UNKNOWN
TENANT #1; UNKNOWN TENANT #2;
Defendant(s),

FILE IN OPEN COURT
Date 5/16/14
By [Signature]

Case No:31-2013-CA-000686-XXXX-XX
Division: **Civil Division**

Consent
FINAL JUDGMENT OF FORECLOSURE

(Form Approved by 19th Circuit Administrative Order 2011-01)

Note: This final judgment may only be modified by adding language in sequentially numbered paragraphs beginning with paragraph 11. Attorney may be sanctioned for submitting a final judgment which improperly varies the approved format.

THIS ACTION was heard before the Court on 05/16/2014 at 11:00 AM for Non-Jury Trial and after hearing testimony from Melissa Martinez of NATIONSTAR MORTGAGE LLC and receiving evidence and being otherwise duly advised in the premises, finds that all loss mitigation efforts have been exhausted and it is thus ORDERED AND ADJUDGED that:

- 1. **Judgment Granted.** The Defendants are in default and Plaintiff is entitled to entry of Judgment.

- 2. **Amounts Due.** Plaintiff, NATIONSTAR MORTGAGE LLC, 350 HIGHLAND DRIVE, LEWISVILLE, TX 75067, is due:

Principal	\$42,234.78
Interest on the note and mortgage from 06/01/2011 to 05/16/2014	\$11,263.57
Appraisal Fee	\$95.00
Property Inspection	\$594.00
Hazard Insurance premiums	\$3,451.70
Property Taxes	\$2,019.03
Forbearance	(\$21,159.65)
Attorneys Fees Total	\$2,100.00
<u>Court Costs:</u>	
Filing Fee	\$941.69
Service of Process	\$185.00
Recording of Lis Pendens	\$9.00
TOTAL	\$41,734.12

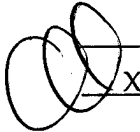
3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.

4. **Lien on Property.** Plaintiff holds a lien for total sum superior to all claims or estates of defendant(s), on the following described property in INDIAN RIVER County, Florida:

LOT 19, SOUTH PINE GROVE DEVELOPMENT, ACCORDING TO THE PLAT THERE AS RECORDED IN PLAT BOOK 6, PAGE 38 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address:
1246 21st Ct
Vero Beach, FL 32960

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 September 12, 2014 to the highest bidder for cash, except as prescribed in Paragraph 6,:

 At, _____ beginning at _____.
 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 cancelled 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 that 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 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 of all 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 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 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 Tenants 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. The Court finds that the Plaintiff has reestablished the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes. Plaintiff shall hold the Defendant maker of the note harmless and shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost note. Since adequate protection is provided as required by Section 673.3091, Florida Statutes, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note.

12. The Plaintiff may assign the judgment and credit bid by the filing of an assignment without further Order of the Court.

13. The Court finds that the Plaintiff has reestablished the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes. Plaintiff shall hold the Defendant maker of the note harmless and shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost note. Since adequate protection is provided as required by Section 673.3091, Florida Statutes, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note.

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 THAT SIXTY (60) DAYS AFTER THE

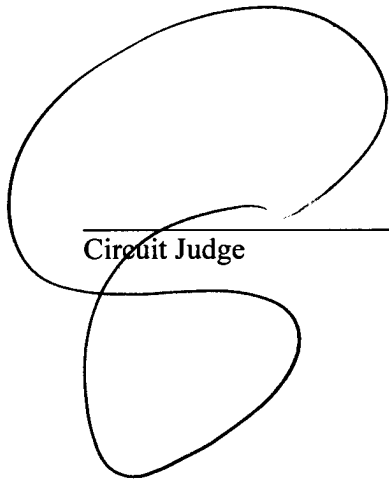
SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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, INDIAN RIVER CLERK OF THE CIRCUIT COURT

2000 16 AVE, VERO BEACH, FL 32960, 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 SOUTH INDIAN RIVER DRIVE SUITE 101 (34950) PO BOX4333 FT. PIERCE, FL 34948; Phone # , Fax # , 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 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER THE RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Indian River County, Florida on May 16 2014



Circuit Judge

cc:
Law Offices of Daniel C. Consuegra
9204 King Palm Drive
Tampa, FL 33619-1328
Attorneys for Plaintiff

Mailed to all parties listed on the attached service list.

MASTER CIVIL SERVICE LIST

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AttorneyNotice@Consuegralaw.com

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rep for
Phyllis
Q*

Capital City Bank
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217 North Monroe Street
Tallahassee, FL 32301

Kipp Eric McCann
Robert C. Clark
1612 20th Street
Vero Beach, FL 32960
robertclark231@yahoo.com;

*(sole
survivor)*

Unknown Spouse of Kipp Eric McCann NKA MARLENE MCCANN
1246 21st Court
Vero Beach, FL 32960