

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

Wells Fargo Bank, N.A., not in its individual
capacity but solely as trustee for the RMAC
Trust, Series 2010-7T
Plaintiff

vs.

Case No. 31-2013-CA-000954

THE ESTATE OF KEVIN P. GREENE and all
unknown parties claiming by, through, under and
against the above named Defendant who are
unknown to be dead or alive whether said
unknown are persons, heirs, devisees, grantees, or
other claimants; **UNKNOWN SPOUSE OF
KEVIN P. GREENE; PNC BANK, N.A. S/B/M
TO HARBOR FEDERAL SAVINGS BANK;
UNIFUND CCR PARTNERS; CLERK OF
COURT FOR INDIAN RIVER COUNTY;
L.W.T. INC.; HEATHER ARVIDSON;
TENANT I/UNKNOWN TENANT; TENANT
II/UNKNOWN TENANT; TENANT
III/UNKNOWN TENANT and TENANT
IV/UNKNOWN TENANT**, in possession of the
subject real property,
Defendants

FILED
FOR
RECORD
14 JUN -9 PM 12:01
CLERK
INDIAN RIVER CO FL
BY

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on plaintiff's Motion for Summary Final Judgment on June 4, 2014. On the evidence presented, it is

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., not in its individual capacity but solely as trustee for the RMAC Trust, Series 2010-7T**, whose address is c/o 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618, is due:

Principal:	\$ <u>60,917.36</u>
Interest on the note and mortgage from 9/1/12 to 4/30/14	\$ <u>2,090.94</u>
Per diem interest at \$11.47 from 5/1/14 to 6/4/14	\$ <u>401.45</u>

Title Search Expense	\$ 250.00
Taxes	\$ 1,089.28
Insurance Premiums	\$ 3,319.68
Attorneys' fees	
- Finding as to reasonable number of hours: 18.71	
- Finding as to reasonable hourly rate: <u>\$175.00</u>	
- Other*: _____	
(*The requested attorney's fee is a flat 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' fees total	\$ 3,274.25
Court Costs:	
Filing fee	\$ 400.00
Service of Process at \$varies per defendant	\$ 785.00
Recording	\$ 30.50
Publication for:	\$ 369.20
 SUBTOTAL	 \$ 72,927.36
Additional Costs:	\$ _____
Pre Acceleration Late Fees	\$ 16.05
Appraisal Fees	\$ 115.00
Property Inspection Fees	\$ 280.50
SUBTOTAL	\$ _____
Less: Escrow balance	\$ _____
Less: Unearned insurance premiums	\$ _____
Less: Other	\$ _____
 TOTAL	 \$ 73,338.91

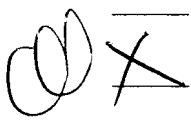
3. **Interest.** The total amount in Paragraph 2 shall bear interest from this date forward at the prevailing rate.

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

LOT 6, BLOCK 2, BEL-PORTE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 22, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 915 17th Ave., 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 July 24, 2014, to the highest bidder for cash, except as prescribed in Paragraph 6,:

 Jury Assembly Room, Indian River County Courthouse, 2000 16th Avenue, Vero Beach, Florida 32960, beginning at www.indian-river by electronic sale at realforeclose.com beginning at 10:00 am 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 matter 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 note 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 apayable on the certificate of title. If the 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 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.

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 Certificates 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 tha are proper including, without limitation, a deficiency judgment.

11. Plaintiff's motion for Instanter amendment is Granted, with paragraph 14 of the complaint corrected to read that the principal balance is \$60,917.36.

12. The Court finds KEVIN P. GREENE, IS DECEASED AND the Court finds and the court has appointed attorney Barbara Power, as Guardian/Attorney Ad Litem for the Estate. The Court finds the a report has been filed in this matter and publication for unknown heirs has occured and all due process requirements have been met

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 THIS 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 THEN 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 REPRESENTATIVE 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 Florida 32960 (Telephone: 772-770-5185, Circuit Civil Division) , 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 Florida Immigrant Advocacy Center, 131B N. Second Street, Fort Pierce, FL 34950; Phone: 1-888-582-3410, 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 LEGAL AID FOR ASSISTANCE YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED on this 9th day of June, 2014.

CIRCUIT COURT JUDGE

Conformed Copies To

THE ESTATE OF KEVIN P. GREENE
c/o Barbara Power, Esq. As Guardian Ad Litem
2060 15th Avenue
Vero Beach, FL 32960
barbarapower@verobeachlaw.com

Unifund CCR Partners
10625 Techwoods Circle
Cincinnati, Ohio 45242

L.W.T. Inc.
C/o Steven Braten, Esq.
551 SE 8th Street. 4 Floor
Delray Beach, FL 33483

PNC Bank, N.A., S/B/M to Harbor Federal
Savings Bank
3232 Newmark Drive
Miamisburg, OH 45342

Clerk of Court for Indian River
c/o Jeffrey Smith, Clerk of Court
P.O. Box 1028
Vero Beach, Florida 32961

Heather Arvidson
11836 Four Lakes Drive
South Lyon, Michigan 48178

All unknown parties , heirs, devisees, grantees,
or other claimants
915 17th Avenue
Vero Beach, Florida 32960

Gary I. Gassel, Esquire
2191 Ringling Boulevard
Sarasota, Florida 34237