

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


CIVIL DIVISION

CASE NO. 31-2013-CA-001650

BAYVIEW LOAN SERVICING, LLC,
Plaintiff(s),

vs.

GEORGE MARTIN HENDERSON A/K/A GEORGE M. HENDERSON, THE UNKNOWN SPOUSE OF GEORGE MARTIN HENDERSON A/K/A GEORGE M. HENDERSON; PNC BANK NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO INDIAN RIVER NATIONAL BANK; PNC BANK NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO INDIAN RIVER NATIONAL BANK; THE UNKNOWN SPOUSE OF GEORGE MARTIN HENDERSON A/K/A GEORGE M. HENDERSON N/K/A DIANE HENDERSON, THE UNKNOWN SPOUSE OF THE UNKNOWN SPOUSE OF GEORGE MARTIN HENDERSON A/K/A GEORGE M. HENDERSON N/K/A DIANE HENDERSON ; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) 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; ; TENANT #1, TENANT #2, TENANT #3, AND TENANT #4 THE NAMES BEING FICTITIOUS TO ACCOUNT FOR PARTIES IN POSSESSION
Defendant(s).

FILED
PROPOSED
OFFICIAL
COURT
14 OCT -3 PM 4:55
JEFFREY R. SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
BY 

CONSENT
FINAL JUDGMENT OF FORECLOSURE
(Form Approved by 19th Circuit Administrative Order 2010-08)

This Action was heard before the Court on Plaintiff's Non- Jury Trial on October 3, 2014. And after hearing sworn testimony, receiving evidence and being otherwise advised in the premises, it is ADJUDGED that:

1. **Amounts Due.** Plaintiff, Bayview Loan Servicing, LLC located at 4425 Ponce de Leon Blvd 5th Floor Coral Gables, Florida, is due:

| | |
|---|----------------------|
| Principal | \$241,185.86 |
| Interest on the note and mortgage from July 1, 2013 to October 3, 2014 | \$6,056.13 |
| Title search expenses | \$325.00 |
| Taxes | \$1,575.69 |
| Hazard Insurance | \$2,886.27 |
| Mortgage Insurance | \$1,336.58 |
| Attorney's fees: | \$2,500.00 |
| 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. | |
| Court Costs: | |
| Filing Fee | \$1,055.50 |
| Service of Process | \$776.30 |
| LP update | \$ 75.00 |
| Additional Costs: | |
| Pre-Accelerated Late Charges through November 6, 2013 | \$ _____ |
| Inspections | \$644.00 |
| Property Preservation | \$ _____ |
| BPO | \$ _____ |
| SUBTOTAL | \$258,416.33 |
| GRAND TOTAL | \$258,416.33 |

2. **Interest.** The total amount in Paragraph 1 shall bear interest from this date forward at the prevailing rate.

3. **Lien on Property.** Plaintiff holds a 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 3, IN BLOCK D, OF GREEN ACRES ESTATES PLAT I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, AT PAGE 48, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 955 47TH AVE. S.W., VERO BEACH, FL 32968

4. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 1 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 February 2, 2015, to the highest bidder for cash, except as prescribed in Paragraph 5 at <https://www.indian-river.realforeclose.com>, beginning at 10:00AM 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 5:00p.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.

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 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.

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 1 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 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.

8. **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".

9. **Jurisdiction Retained.** The Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: orders related to pursuit and entry of deficiency judgment, if Defendant has not been discharged in bankruptcy, or it is not prohibited by federal law or mutual settlement agreement; orders granting additional attorney's fees and costs; writs of possession; orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to sections 718.116 or 720.3085 of the Florida Statutes; orders arising out of reforeclosure, to include permitting a supplemental complaint to add an interest-holder, and/or; orders involving reformation of the mortgage instrument or deed to perfect 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 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 COUNTY CLERK OF COURT INDIAN RIVER COUNTY COURTHOUSE ATTN: CIVIL DEPARTMENT 2000 16TH AVE. VERO BEACH, FL 32960, [TELEPHONE: 772-770-5185 1-2-1], 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, INC., 510

SOUTH US HWY 1, SUITE 1, FORT PIERCE, FL 34950 (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 FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Indian River County, Florida on

October 3, 2014

Circuit Judge

Copies furnished by U.S. Mail to:

NR-13-122087

Copies furnished to:

Albertelli Law

P.O. Box 23028

Tampa, FL 33623

eService: servealaw@albertellilaw.com

George Martin Henderson a/k/a George M. Henderson

955 47th Ave. SW

Vero Beach, FL 32968

Tammy Marie Henderson a/k/a Tammy M. Henderson

816 26th Ave.

Vero Beach, FL 32960

State of Florida Department of Revenue

C/O Lisa Echeverri, Executive Director, Florida Department Of Revenue

2450 Shumard Oak Blvd. Bldg. 1, Floor 2

Tallahassee, FL 32399

Jeanne A. McIntyre

450 S. Geronimo St., Unit

402smiramar Beach, FL 32550

PNC Bank National Association, successor by merger to Indian River National Bank

C/O Branch Manager Or Officer

222 Delaware Avenue

Wilmington, DE 19899

The Unknown Spouse of George Martin Henderson a/k/a George M. Henderson n/k/a Diane Henderson
George Martin Henderson a/k/a George M. Henderson n/k/a Diane Henderson
955 47th Ave. SW
Vero Beach, FL 32968