

Filing # 20344043 Electronically Filed 11/07/2014 03:08:46 PM

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

312014CA000116
CASE NO: 2014 CA 000116

THE BANK OF NEW YORK MELLON FKA THE
BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE CWALT, INC.,
ALTERNATIVE LOAN TRUST 2007-OA2 MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-OA2

Plaintiff(s),

v.

CLARENCE E HOOD IV; UNKNOWN SPOUSE
OF CLARENCE E HOOD IV; UNKNOWN TENANT I,
UNKNOWN TENANT II; BLUETARP FINANCIAL,
INC. D/B/A PROTRADE CREDIT; FORD MOTOR
CREDIT COMPANY LLC FKA FORD MOTOR CREDIT
COMPANY, and any unknown heirs, devisees, grantees,
creditors, and other unknown persons or unknown spouses
claiming by, through and under any of the above-named
Defendants,

Defendant(s).

CONSENT FINAL JUDGMENT OF FORECLOSURE IN REM

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

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

This action was heard before the court on the plaintiff's Consent Final Judgment on November 7, 2014. On the evidence presented;

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, THE BANK OF NEW YORK MELLON FKA THE

**BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE
CWALT, INC., ALTERNATIVE LOAN TRUST 2007-OA2 MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-OA2, Alton P. Clark Attorney Network
Manager Shellpoint Mortgage Servicing 15 South Main Street, Ste 401 Greenville, SC 29601,
is due:**

Principal Balance	\$372,464.22
Interest on the note and mortgage from September 1, 2008 to November 7, 2014	\$81,771.71
ADVANCEMENTS	
Insurance	\$36,978.89
PMI Insurance	\$30,080.95
Taxes	\$8,605.55
ATTORNEY'S FEES	
Attorneys' fees total	\$6,934.00
COURT COSTS	
Title Search	\$350.00
Filing fee, electronically filed [Florida]	\$1,917.50
Summons, electronically filed [Florida]	\$108.00
Service of Process	\$70.00
Service of Process – Unknown Tenant	\$220.00
Service of Process – Known (Named) Defendant	\$110.00
Alias Summons – electronically Filed [Florida]	\$14.00
Record Lis Pendens – electronic filing [Florida]	\$14.00
Secretary of State	\$26.25
Clerk Certification	\$2.00
Vendor's Express Mail Charge	\$50.97
Efile processing cost	\$64.18
TOTAL	\$539,782.22

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 the total sum superior to all claims or estates of defendant(s), on the following described property in **Indian River** County, Florida:

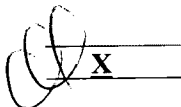
COMMENCE AT THE SOUTHWEST CORNER OF TRACT 14, SECTION 11, TOWNSHIP 33 SOUTH, RANGE 38 EAST, AS PER PLAT OF INDIAN RIVER FARMS COMPANY FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE(S) 25, THENCE ALONG SOUTH LINE OF TRACT 14 NORTH 89° 48'01" EAST FOR A DISTANCE OF 388.93 FEET, THENCE PARALLEL TO THE WEST LINE OF SAID TRACT 14, NORTH 00° 13'44" EAST TO THE NORTH RIGHT OF WAY OF 8TH STREET FOR A DISTANCE OF 60.00 FEET TO

THE POINT OF BEGINNING, THENCE CONTINUE NORTH 00° 13'44" EAST

FOR A DISTANCE OF 772.93 FEET, THENCE NORTH 89° 48'01" EAST PARALLEL TO THE SOUTH LINE OF SAID TRACT 14 FOR A DISTANCE OF 269.02 FEET TO THE EAST LINE OF THE WEST 20 ACRES OF SAID TRACT 14, THENCE SOUTH 00° 13'44" WEST ALONG SAID EAST LINE FOR A DISTANCE OF 772.93 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET, THENCE ALONG SAID RIGHT OF WAY SOUTH 89° 48'01" WEST FOR A DISTANCE OF 269.02 FEET TO THE PLACE AND POINT OF BEGINNING.

Property address: 8716 8th Street, Vero Beach, FL 32968

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 March 9, 2015, to the highest bidder for cash, except as prescribed in paragraph 6,:

 **X** at 2000 16th Avenue, Vero Beach, FL 32960 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 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 5:00 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 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 attorneys' 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, 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 the 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." ~~If any defendant remains in possession of the property, the clerk shall without further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of title.~~

10. Jurisdiction Retained. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.

11. Consent Judgment. Defendant agrees to entry of judgment and in exchange Plaintiff agrees to an extended sale date of 120 days and a waiver of deficiency.

[Any language which needs to be added to the final judgment shall be inserted at this point using paragraphs numbered sequentially beginning with paragraph 11]

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.

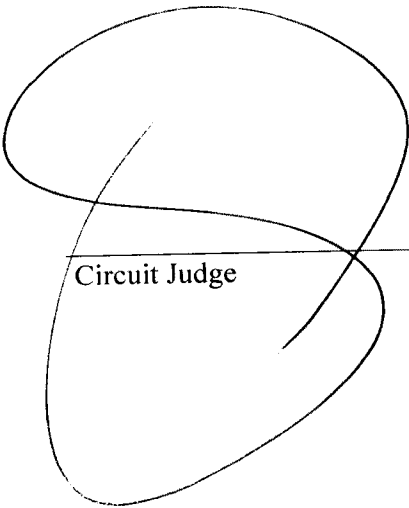
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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, 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 FLORIDA RURAL LEGAL SERVICES AT (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 FLORIDA RURAL LEGAL SERVICES AT (888) 582-3410, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED on November 7, 2014



Circuit Judge

Copies furnished to:
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Orlando, Florida 32812
Attorney for Plaintiff
FLPleadings@butlerandhosch.com

Ford Motor Credit Company Llc A Delaware Limited Liability Company F/K
c/o: C T Corporation System (RA)
1200 South Pine Island Road
Plantation FL 33324

Bluetarp Financial, Inc. D/B/A Protrade Credit
c/o: Secretary of State pursuant to Florida Statute 48.181
P.O. Box 6327
Tallahassee, FL 32314

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