

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

PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR  
BY MERGER TO RBC BANK (USA), SUCCESSOR BY  
MERGER TO INDIAN RIVER NATIONAL BANK,

Plaintiff

vs.

AHMAD J. ALKAYALY A/K/A AMAD ALKAYALY, et al.,

Defendant(s)

CASE NO.: 2014 CA 000404

312014CA000404

FILED IN RECORD  
PROPOSED JUDGMENT  
CIRCUIT COURT  
INDIAN RIVER COUNTY, FL  
BY  D.C.

15 JAN -6 PM 2:14

**CONSENT FINAL JUDGMENT OF FORECLOSURE (IN REM)**  
**(Form Approved by 19<sup>th</sup> Circuit Administrative Order 2011-1)**

After consideration of all evidence presented, Plaintiff's counsel having represented to the Court that the parties have agreed to entry of final judgment with a sale to occur not sooner than 60 days, with this Courts approval, from the date of this judgment, this Court rules as follows:

THIS ACTION was heard before the Court on the Plaintiff's application for entry of final judgment of foreclosure at Non-Jury Trial on 12/12/2014.

IT IS ADJUDGED that:

1. Final Judgment is GRANTED. Judgment is granted in favor of PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO RBC BANK (USA), SUCCESSOR BY MERGER TO INDIAN RIVER NATIONAL BANK.
2. **Amounts Due.** Plaintiff, PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO RBC BANK (USA), SUCCESSOR BY MERGER TO INDIAN RIVER NATIONAL BANK, whose address is 3232 Newmark Drive, Miamisburg, OH 45342, is due:

Principal:	\$118,533.00
Interest on the note and mortgage from 8/1/2009 to 12/12/2014	\$32,232.33
Late Charges	\$84.08
Title search expense	\$500.00
Property Inspections	\$711.00
Escrow Advances	\$11,175.81
Attorney's Fees Review, research and prepare for Non Jury Trial \$1,750.00 Other*: \$2,250.00  (*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.)  Attorney's Fees total	\$4,000.00
Court Cost:	
Filing Fee	\$905.00
Service of Process	\$385.00
Issuance of Summonses	\$50.00
Lis Pendens Recording Fee	\$8.00
Mediation Cost	\$100.00

<b>TOTAL</b>	<b>\$168,684.22</b>
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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:

**Lot 123, LAURELWOOD, UNIT 2, according to the plat thereof recorded in Plat  
Book 9, Page 68, Public Records of Indian River County, Florida.**

also known as: 2320 6TH STREET, VERO BEACH, FL 32960

5. **Sale of Property.** If the total sum with interest at the rate described in paragraph 3 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 2, 2015 to the highest bidder for cash, except as prescribed in paragraph \_\_\_\_ at : At at www.indian-river.realeforeclose.com, beginning at 10:30 AM. By electronic sale at at www.indian-river.realeforeclose.com beginning at \_\_\_\_.

**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 3 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 the certificate of title, the person named on the certificate of title may 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 that are proper including, without limitation, a deficiency judgment, to allow for supplemental complaint to add an omitted party post-judgment, alter, amend, modify or vacate judgment, and correct, amend, or vacate Certificate of Title.

**11. Plaintiff's Final Judgment is GRANTED against all Defendants listed by name: AHMAD J. ALKAYALY A/K/A AMAD ALKAYALY; SALLY ALKAYALY; CONSOLIDATED ASSET MANAGEMENT I, LLC; UNKNOWN TENANT #1 NKA JAMIE CONRAD.**

12. The relief granted here permits Plaintiff to seek and obtain an in rem judgment against the property only and does not permit Plaintiff to seek or obtain in personam relief against AHMAD J. ALKAYALY A/K/A AMAD ALKAYALY and SALLY ALKAYALY. Plaintiff agrees to not pursue a deficiency judgment against Defendants in exchange for their cooperation and this consent to judgment.

**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, INDIAN RIVER CLERK OF THE CIRCUIT COURT, Indian River County Courthouse, 2000 16th Avenue, Vero Beach, FL 32960, (772) 770-5185 Circuit Clerk 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, 200 S. INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FLORIDA 34950 (TELEPHONE: 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 FLORIDA RURAL LEGAL SERVICES, 200 S. INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE OFFICE 1-888-582-3410, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

ORDERED

*January 8* 2015

CIRCUIT JUDGE

Copies Furnished U.S. Mail to:  
FLORIDA FORECLOSURE ATTORNEYS, PLLC  
4855 Technology Way, Suite 500  
Boca Raton, FL 33431  
and

All Persons on attached Service List  
Plaintiff: PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO RBC BANK (USA), SUCCESSOR  
BY MERGER TO INDIAN RIVER NATIONAL BANK  
Address of Plaintiff: 3232 Newmark Drive  
Miamisburg, OH 45342

**SERVICE LIST**

**PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO RBC BANK (USA), SUCCESSOR BY  
MERGER TO INDIAN RIVER NATIONAL BANK**

vs.

**AHMAD J. ALKAYALY A/K/A AMAD ALKAYALY**

FLORIDA FORECLOSURE ATTORNEYS, PLLC  
4855 Technology Way, Suite 500  
Boca Raton, FL 33431  
emailservice@ffapllc.com

SALLY ALKAYALY  
6375 7TH PL  
VERO BEACH, FL 32968

CONSOLIDATED ASSET MANAGEMENT I, LLC  
LAW OFFICES OF ANDREU, PALMA & ANDREU, PL, R.A.  
1000 NW 57TH CT  
MIAMI, FL 33126

UNKNOWN TENANT #1 NKA JAMIE CONRAD  
2320 6TH STREET  
VERO BEACH, FL 32960

ROBERT C. CLARK (ADVERSE ATTORNEY FOR ALKAYALY, AHMAD J. ALKAYALY A/K/A AMAD)  
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Vero Beach, FL 32960  
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