

Filing # 25988363 E-Filed 04/13/2015 10:32:02 AM

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

WILMINGTON TRUST, NA,
SUCCESSOR TRUSTEE TO
CITIBANK, N.A., AS TRUSTEE, FOR
THE BENEFIT OF REGISTERED
HOLDERS OF STRUCTURED ASSET
MORTGAGE INVESTMENTS II
TRUST 2007-AR2, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2007-AR2,

CASE NO: 312014-CA-000885

Plaintiff,

v.

MARIA FARELLA; MORTGAGE
ELECTRONIC SYSTEMS, INC. AS
NOMINEE FOR SOUTHSTAR
FUNDING, LLC; SEBASTIAN RIVER
LANDING, INC.; VITO J. FARELLA;
UNKNOWN TENANT IN
POSSESSION OF THE SUBJECT
PROPERTY,

Defendant(s),

AMENDED CONSENT IN REM FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on the Parties' Joint Stipulation for Final Judgment of Foreclosure. On the evidence presented;

IT IS ADJUDGED that:

1. Final Judgment is hereby entered in favor of WILMINGTON TRUST, NA, SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE, FOR THE BENEFIT OF REGISTERED HOLDERS OF STRUCTURED ASSET MORTGAGE INVESTMENTS II TRUST 2007-AR2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2 and against MARIA FARELLA; MORTGAGE ELECTRONIC SYSTEMS, INC. AS NOMINEE FOR SOUTHSTAR FUNDING, LLC; SEBASTIAN RIVER LANDING, INC.; VITO J. FARELLA; UNKNOWN TENANT IN POSSESSION OF THE SUBJECT PROPERTY.

2. **Amounts Due.** Plaintiff, WILMINGTON TRUST, NA, SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE, FOR THE BENEFIT OF REGISTERED HOLDERS OF STRUCTURED ASSET MORTGAGE INVESTMENTS II TRUST 2007-AR2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2, whose address is 3815 S. West Temple, Salt Lake City, Utah 84115, is due:

Principal	\$176,058.56
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Interest on the note and mortgage from 05/01/13 to 01/17/15	\$ 7,923.53
Per diem interest	
TOTAL	\$183,982.09

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 200, SEBASTIAN RIVER LANDING, PHASE ONE,
ACCORDING TO THE PLAT THEREOF AS RECORDED
IN PLAT BOOK 17, PAGES 79 THROUGH 85, INCLUSIVE,
OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY,
FLORIDA.**

Property Address: 118 BELLAMY TRL, SEBASTIAN, FLORIDA 32958.

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 May 8, 2015, to the highest bidder for cash, except as prescribed in paragraph 6, 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. In Rem Judgment. This final summary judgment is an in rem judgment against Defendant(s): Maria Farella and Vito J. Farella, and there are no in personam damages or costs against said Defendant(s). A deficiency judgment may not be sought against said defendants based upon this 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, JEFFREY R. SMITH, 2000 16TH AVENUE, VERO BEACH, FL 32960; (772) 770-5185, 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 LEGAL AID SOCIETY OF THE BAR ASSOCIATIONS OF INDIAN RIVER COUNTY; (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 THE LEGAL AID SOCIETY OF THE BAR ASSOCIATIONS OF INDIAN RIVER COUNTY FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Indian River County, Florida this 13th day of April, 2015.



CYNTHIA L. COX, Circuit Judge

Copies served by eportal and **PLAINTIFF shall serve all Defendants and file a certificate of service:**

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UNKNOWN TENANT IN POSSESSION OF THE SUBJECT PROPERTY
118 BELLAMY TRAIL SEBASTIAN, FL 32958

MORTGAGE ELECTRONIC SYSTEMS, INC. AS NOMINEE FOR SOUTHSTAR
FUNDING, LLC 1901 E VOORHEES STREET, SUITE C DANVILLE, IL 61834

SEBASTIAN RIVER LANDING, INC. 1707 ELM STREET, SUITE F ROCKLEDGE, FL
32955