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

CASE No. 312014 CA 001311

BANK OF NEW YORK MELLON, F/K/A THE BANK
OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ALTERNATIVE LOAN TRUST
2007-5CB, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-5CB,

Plaintiff,

VS.

JANET L JOHNSTON; ANGELINE M VAN CUREN; UNKNOWN TENANT #1, N/K/A JEFF RYMER;
COMMUNITY ASSOCIATION OF WATERFORD LAKES, INC; UNKNOWN TENANT #2; ANY AND
ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER AND AGAINST THE NAMED
INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER
UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEEES, OR
OTHER CLAIMANTS.

DEFENDANT(S).

FINAL JUDGMENT OF FORECLOSURE

This action was tried before the Court on September 25, 2015 and on the testimony of
Lawrence Nardi of Select Portfolio Servicing and the Defendant, Janet Johnston, on the evidence
presented finds that the association owns the property and has been collecting rents and have
agreed to an extended sale date of 120 days and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** Plaintiff is entitled to entry of Final Judgment.
2. **Amounts Due.** Plaintiff, BANK OF NEW YORK MELLON, F/K/A THE BANK OF
NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN
TRUST 2007-5CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-5CB, c/o Select
Portfolio Servicing, Inc., 3815 SW Temple, Salt Lake City, UT 84115, is due:

Principal due on the note secured by the mortgage

\$182,708.20

Interest on the note and mortgage	
From September 01, 2011 to	
September 25, 2015	\$47,305.24
Title Search and Examination	\$325.00
Attorney's Fees	

Attorney's Total Non Contested Flat Rate Fee
 (The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter for non-contested portion of the case. Given the amount of fee requested and the labor expended, the court finds that a lodestar analysis is not necessary for this flat fee and that a flat fee is reasonable for the non contested portion of the file.)

Attorney's Contested Fees:
 Finding as to reasonable number of hours: 20
 Finding as to reasonable hourly rate: \$200.00 per hour

Total Attorney's Fees:	<u>\$8,550.00</u>
<u>Court Costs:</u>	
Filing Fee	\$970.00
Service of Process/Tenant Inspections	\$540.00
Publication of Service	\$390.00
Recording Fee	\$5.00

\$240,793.44

TOTAL

3. **Interest.** The total amount referenced 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), (with the exception of any assessments that are superior pursuant to Section 718.116, or 720.3085, Florida Statutes) on the following described property in Indian River County, Florida: UNIT 109, OF WATERFORD LAKES ESTATES PHASE ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 48A-48, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 962 E. 13th Square, Vero Beach, FL 32960

5. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 2 and all costs accrue subsequent to this Judgment are not paid, the Clerk of the Court shall sell the property at public sale on **JANUARY 25, 2016**, to the highest bidder for cash, except as prescribed in paragraph 6,;by electronic sale at www.indianriver.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. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. five (5) business days before the sale date. Counsel for plaintiff must be certain that all sales and clerk fees are paid and that the original proof of publication is filed no less than five (5) business days before the sale date. Failure to timely file the original proof of publication of the notice of sale and pay the sale and clerk fees will stop the sale. Additionally, the failure of Plaintiff's counsel to pay the sale fee and 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.

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 office.

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, Plaintiff shall file an affidavit within 5 business days and the clerk shall credit Plaintiff's bid with the total sum with post-judgment 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 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 the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any Defendant or Tenant remains in possession of the property, an Order Granting the Motion for Writ of Possession shall be entered without further notice or hearing, subject to the purchaser's compliance with Section 83.561, Florida Statute.

10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

11. Jurisdiction of this action is retained to enter further Orders that are proper including, without limitation, a supplemental complaint to add an omitted party or lien(s) or remedy other defects post-judgment, or Order to determine the amount of the assessment owed to any condominium or homeowners association, and entry of writs of possession.

12. The clerk shall further credit plaintiff's bid with any reasonable advances made by the Plaintiff subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

13. If the United States of America is a defendant, it shall have the right of redemption pursuant to 28 U.S.C. Section 2410 (c), from the date of the foreclosure sale.

14. The Court finds that Plaintiff complied with the condition precedent of providing notice prior to acceleration of the loan, and prior to the filing of the foreclosure action, pursuant to the terms of the Note and Mortgage.

15. On or before the date of sale, Plaintiff may assign the judgment and/or the bid by filing an Assignment of Judgment and/or Bid without further order of this Court.

16. On or before the date of sale, Plaintiff may file an Affidavit of Additional Costs and Interest without further order of this Court.

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 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 AT 2000 16TH AVE, VERO BEACH, FL 32960, 772.226.3127 Karen S 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-ST. LUCIE, 200 SOUTH INDIAN RIVER DR., SUITE 101, FT. PIERCE, FL 34950, 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-ST. LUCIE FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER THE RECEIPT OF THIS NOTICE.

DONE AND ORDERED on September 25, 2015 on Vero Beach, Florida.

/s/ Cynthia L. Cox

Circuit Judge

Copies furnished to all parties listed below.

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Unknown Tenants, 962 E. 13th Square, Vero Beach, FL 32960