

Filing # 40091789 E-Filed 04/11/2016 12:53:38 PM

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

GREEN TREE SERVICING LLC,

Plaintiff,

CASE NO.: 2015 CA 000652

vs.

312015CA000652XXXXXX

KENNETH LEWIS; UNKNOWN SPOUSE OF
KENNETH LEWIS; UNKNOWN TENANT(S) IN
POSSESSION #1 and #2, and ALL OTHER
UNKNOWN PARTIES, including, if a named
Defendant is deceased, the personal
representatives, the surviving spouse, heirs,
devisees, grantees, creditors, and all other parties
claiming, by, through, under or against that
Defendant, and all claimants, persons or parties,
natural or corporate, or whose exact legal status is
unknown, claiming under any of the above named
or described Defendants,

Defendant(s).

CONSENT FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court upon Non-Jury Trial on April 11, 2016. On the
consent of the parties;

IT IS ADJUDGED that:

1. **Final Judgment is Granted.** There is no dispute of material facts and Final Judgment is granted.
2. **Amounts Due.** Plaintiff **GREEN TREE SERVICING LLC, c/o Ditech Financial LLC FKA Green Tree Servicing LLC, 7360 South Kyrene Road, Tempe, AZ 85283**, is due.

Principal
Interest on the note and mortgage from 12/1/2014 to 4/11/2016
Per diem interest at 7.39%

\$94,471.48
\$9,519.04

Escrow Advances	<u>\$4,430.97</u>
Attorneys' fees	<u>\$3,350.00</u>
ADDITIONAL COST	
Late Charges	<u>\$363.10</u>
Corporate Advances	<u>\$3,787.00</u>
SUBTOTAL	<u>\$115,921.59</u>
TOTAL	<u>\$115,921.59</u>

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 and described as:

LLOT 4, BLOCK A, PINETREE PARK, UNIT NO. 4, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 57, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

A/K/A 6175 7th Lane, Vero Beach, FL, 32968

5. **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 this court shall sell the property at public sale on August 9, 2016, at 10:00 AM, to the highest bidder for cash, www.indian-river.realforeclose.com, FL in accordance with section 45.031, Florida Statutes.
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. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and cost accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. If plaintiff is purchaser, the clerk shall issue title to plaintiff, or its Assignee (upon Assignment of Bid with Clerk), without further payment or Order of this Court, except as herein provided.

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 1 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 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 Statutes.
10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.
11. In the event that a foreclosure sale is conducted pursuant to this Order and the successful purchaser fails to pay the initial deposit to the Clerk of Court and/or pay the complete purchase price to the Clerk of Court in accordance with the rules of the sale, the Clerk of Court shall reschedule the foreclosure sale pursuant to Florida Statute §45.031(2).
12. To the extent a non-resident cost bond has been filed by the Plaintiff, the Clerk of Court is directed to return the non-resident cost bond to Plaintiff payable as follows: POPKIN & ROSALER, P.A., 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.
13. Should the subject property be sold to a third party at the foreclosure sale, the Clerk of Court is directed to make the full amount of the sale proceeds due Plaintiff payable as follows: **POPKIN & ROSALER, P.A. TRUST ACCOUNT, 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.**
14. **The bidding rights for all future foreclosure sales are hereby given to Brian L. Rosaler, Esq. of the Law Offices of Popkin & Rosaler, P.A.**

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 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 COURT, 2000 16TH AVENUE, VERO BEACH, FL 32960 ((772) 770-5176), 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 PROPERTY INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, FORT 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 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FL 34950 (772-466-4766) FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

15. Should the subject property be sold to a third party at the foreclosure sale, the Clerk of Court is directed to make the full amount of the sale proceeds due Plaintiff payable as follows:

POPKIN & ROSALER, P.A. TRUST ACCOUNT, 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.

ORDERED at Vero Beach, Indian River County, Florida on April 11, 2016



Circuit Judge

Copies furnished to:
Brian L. Rosaler, Esquire
POPKIN & ROSALER, P.A.
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Robert C. Clark, Esq
1612 20th Street
Vero Beach, Fl 32960
Primary E-Mail: Robertclark231@Yahoo.Com

Unknown Tenant(S) In Possession #1 A/K/A Eric Torres
6175 7th Lane
Vero Beach, Fl 32968

Unknown Tenant(S) In Possession #2 A/K/A Amber Torres
6175 7th Lane
Vero Beach, Fl 32968