

Filing # 40093055 E-Filed 04/11/2016 01:11:11 PM

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

CASE NO.: 2015 CA 000584

312015CA000584XXXXXX

FREEDOM MORTGAGE CORPORATION,
Plaintiff,
VS.

THE ESTATE OF GUSTAV ADAM BERNAT
AKA GUSTAV A. BERNAT, DECEASED;
UNKNOWN SPOUSE OF GUSTAV ADAM
BERNAT AKA GUSTAV A. BERNAT,
DECEASED; COMMUNITY ASSOCIATION OF
WATERFORD LAKES, INC.; UNKNOWN
HEIRS AND/OR BENEFICIARIES OF THE
ESTATE OF GUSTAV ADAM BERNAT AKA
GUSTAV A. BERNAT, DECEASED;
UNKNOWN CREDITORS OF THE ESTAE OF
GUSTAV ADAM BERNAT AKA GUSTAV A.
BERNAT, DECEASED; NATALIE NIEMEYER;
UNKNOWN TENANT 1; UNKNOWN TENANT
2; UNKNOWN TENANT 3; UNKNOWN
TENANT 4,
Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on **April 11, 2016** and on the evidence presented 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, **FREEDOM MORTGAGE CORPORATION**, is due:

Principal	\$173,555.47
Interest from 06/01/2013 through 04/11/2016	\$12,804.25
Hazard Insurance	\$4,895.91
Taxes	\$3,429.32
Late Charges	\$128.47

Property Inspection	\$45.00
BPO/Appraisal	\$4,977.35
Attorney Fees	\$4,725.00
\$2,800.00	Flat Rate Fee on behalf of Plaintiff for the prosecution of this action.
\$175.00	Additional Attorney Fees for the prosecution of this action
\$1,750.00	Flat Rate Fee for the preparation and attendance at the Non- Jury Trial scheduled for <u>April 11, 2016.</u>

Court costs	\$2,437.10
Skiptrace Limited	\$35.00
Additional Lis Pendens page	\$5.00
Complaint	\$905.00
Florida efilng fee	\$3.00
Lis Pendens	\$5.00
Complaint additional cost	\$10.00
Complaint issue summons	\$112.00
Service of Process	\$665.00
Service skiptrace	\$96.30
Publication –Service	\$250.80
Guardian Ad Litem	\$350.00

TOTAL **\$206,997.87**

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing statutory rate of interest.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), THE ESTATE OF GUSTAV ADAM BERNAT AKA GUSTAV A. BERNAT, DECEASED; COMMUNITY ASSOCIATION OF WATERFORD LAKES, INC.; UNKNOWN HEIRS AND/OR BENEFICIARIES OF THE ESTATE OF GUSTAV ADAM BERNAT AKA GUSTAV A. BERNAT, DECEASED; UNKNOWN CREDITORS OF THE ESTAE OF GUSTAV ADAM BERNAT AKA GUSTAV A. BERNAT, DECEASED; NATALIE NIEMEYER; (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:

LOT 38, OF WATERFORD LAKES SUBDIVISION, PHASE II , ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE(S) 96, 96A AND 96B, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.;

Property address: **1027 SOUTH 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 accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale **on June 10, 2016**, to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at **[Indian River]** 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. 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 sale 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 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, 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 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 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, writs of possession and such supplemental relief or judgments as may be appropriate.

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 COUNTY CLERK OF COURT, 2000 16TH AVENUE, CIVIL DEPT., ROOM 136, VERO BEACH, FL 32960 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 LOCAL LEGAL SERVICES LISTED BELOW 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 ONE OF THE SERVICES LISTED BELOW, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

Indian River County	
Florida Immigrant Advocacy Center	
Fort Pierce, FL	
(772) 489-4660	
www.fiacfla.org	
Florida Institutional Legal Services, Inc.	
Gainesville, FL	
(352) 375-2494	
flis@bellsouth.net	
Florida Justice Institute	
Miami, FL	
(305) 358-2081	
Florida Rural Legal Services	
Fort Pierce, FL	
(772) 466-4766	
www.frls.org	

DONE AND ORDERED in chambers, Vero Beach, Indian River Country, Florida, this 11th day of April 2016.



CIRCUIT JUDGE

Copies Furnished to:

ALDRIDGE | PITE, LLP

Attorney for Plaintiff

1615 South Congress Avenue, Suite 200

Delray Beach, FL 33445

Primary E-Mail: ServiceMail@aclawllp.com

[FAX: Aldridge Connors @1-561-392-6965]

Natalie Niemeyer

178 Countryside Drive

Summit, Nj 07901

The Estate Of Gustav Adam Bernat Aka Gustav A. Bernat, Deceased

C/O Barbara B. Power, Esq.

Bogosian & Power, Chartered

2060 15th Avenue

Vero Beach, Fl 3296

Email: Barbarapower@Verobeachlaw.Com

Unknown Heirs And/Or Beneficiaries Of The Estate Of Gustav Adam Bernat

A/K/A Gustav A. Bernat

C/O Barbara B. Power, Esq

Bogosian & Power, Chartered

2060 15th Avenue

Vero Beach, Fl 3296

Email: Barbarapower@Verobeachlaw.Com

Community Association Of Waterford Lakes, Inc.

C/O Timothy T Patykula, Esq.

Levine Law Group

3300 Pga Boulevard, Suite 430

Palm Beach Ardens, Fl 33410

Email: Tpatykula@Jsllawgroup.Com

Courtney@Jsllawgroup.Com