

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

VFS LENDING SERVICES VI LLC,
Plaintiff,

31
CASE NO.: 2015-CA-000387
DIVISION:

vs.

KYLES FAMILY ESTATE, LLC., A DISSOLVED
FLORIDA LIMITED LIABILITY COMPANY;
DETHRICE A. KYLES; UNKNOWN SPOUSE OF
DETHRICE A. KYLES; ESTHER M. NOLTION
A/K/A ESTER NOLTION A/K/A ESTER HOLTON;
UNKNOWN SPOUSE OF ESTHER M. NOLTION
A/K/A ESTER NOLTION A/K/A ESTER HOLTON;
LAFAYETTE KYLES; UNKNOWN SPOUSE OF
LAFAYETTE KYLES; UTILITIES SERVICES
DEPARTMENT, INDIAN RIVER COUNTY,
FLORIDA; UNKNOWN TENANT IN
POSSESSION 1; UNKNOWN TENANT IN
POSSESSION 2;
Defendants.

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on **July 11, 2016** and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Motion Granted.** There is no dispute of material facts and Plaintiff's Motion for Summary Judgment is GRANTED.

2. **Amounts Due.** Plaintiff, **VFS LENDING SERVICES VI LLC** whose address is: 1905 Kramer Lane, Ste. B700, Austin, TX is due:

Principal	\$37,100.00
Interest on the note and mortgage from 10/01/2014 to 5/24/2016	\$ 9,161.92
Per diem at \$15.25 from 5/25/2016 to 7/11/2016	\$ 732.00
Title search expense	\$ 320.00
Hazard Insurance	\$ 286.87
A ttorneys' fees	

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FILED FOR RECORD
HOBATE/GUARDIAN
CIRCUIT/COUNTY
2016 JUL 19 PM 2:01

JEFFREY R. SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
BY

Finding as to reasonable number of hours **27**

Finding as to reasonable hourly rate **\$175.00**

Attorneys' fees total	\$ 1,400.00
Court costs	
Filing fee	\$ 564.50
Service of Process at \$ 192.86 per defendant	\$ 2,121.50
Publication for DEFENDANTS	\$
910.80 Additional Costs	
Late Charges	\$ 23.19
Subtotal (if applicable)	\$ 52,620.78
TOTAL	\$ 52,620.78

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), (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:

ALL THAT CERTAIN LAND SITUATE IN BROWARD COUNTY, FLORIDA (THE "PROPERTY"), MORE FULLY DESCRIBED AS FOLLOWS: THE NORTH 76 FEET OF LOT 25, CANNON SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. BEING THE SAME PROPERTY CONVEYED TO DETHRICE KYLES AND ESTHER NOLTION BY DEED FROM CLARA BRYANT, A SINGLE WOMAN RECORDED 06/10/2013 IN DEED BOOK 2677 PAGE 187, IN THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 4391 31st Avenue, Vero Beach, FL 32967

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 August 25, 2016 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. All orders postponing or canceling the sale**

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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.

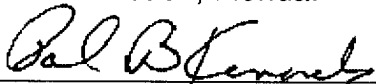
10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

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 COURTHOUSE, 2000 16TH AVENUE, 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 FLORIDA RURAL LEGAL SERVICE – FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FLORIDA 34948, (772) 466-4776, 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 SERVICE – FORT PIERCE OFFICE, (772) 466-4776, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

Done and Ordered on this 11th day of July, 2016 at Vero Beach, Florida.


HONORABLE JUDGE PAUL B. KANAREK

Copies Furnished by e-portal
to:

WILLIAM K. DEBRAAL, DEPUTY COUNTY ATTORNEY
BDEBRAAL@IRCGOV.COM
E-SERVICE@IRCGOV.COM
ATTORNEY FOR DEFENDANT INDIAN RIVER COUNTY

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Kelley L. Church (FL Bar No. 100194)
Quintairos, Prieto, Wood & Boyer, P.A.
Email: servicecopies@qpwbllaw.com; 2nd Email: kchurch@qpwbllaw.com

Plaintiff's counsel shall serve paper copies on all Defendants not otherwise served by
U.S. Mail to:

ESTHER NOLTION, MANAGE MEMBER
KYLES FAMILY ESTATE, LLC
4391 31TH AVENUE
VERO BEACH, FL. 32967

UNKNOWN SPOUSE OF ESTHER NOLTION
4391 31TH AVENUE
VERO BEACH, FL. 32967

LAFYETTE KYLES
613 BUCKLEY RD
STOUGHTON, MA 02072

UNKNOWN SPOUSE OF LAFYETTE KYLES
613 BUCKLEY RD
STOUGHTON, MA 02072

DETHRICE A. KYLES	
LAST KNOWN ADDRESS	
8225 103RD AVENUE	4110 SW 61 st Avenue
VERO BEACH, FL 32967	Davie, FL 33314

UNKNOWN SPOUSE OF DETHRICE A. KYLES	
LAST KNOWN ADDRESS	
8225 103RD AVENUE	4110 SW 61 st Avenue
VERO BEACH, FL 32967	Davie, FL 33314