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

THE NORTHERN TRUST COMPANY, AN  
ILLINOIS BANKING CORPORATION,  
SUCCESSOR BY MERGER TO  
NORTHERN TRUST, N.A., FORMERLY  
KNOWN AS NORTHERN TRUST BANK OF  
FLORIDA, N.A.,

Plaintiff(s),

CASE NO. 2016 CA 000467

312016CA000467XXXXXX

v.

SAMUEL MARTIN; BOARD OF COUNTY  
COMMISSIONERS OF INDIAN RIVER  
COUNTY, A POLITICAL SUBDIVISION OF  
THE STATE OF FLORIDA; VERO BEACH  
HIGHLANDS PROPERTY OWNERS'  
ASSOCIATION, INC., A FLORIDA NOT  
FOR PROFIT CORPORATION;

Defendant(s).

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**FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the court on **December 19, 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, **THE NORTHERN TRUST COMPANY, AN  
ILLINOIS BANKING CORPORATION, SUCCESSOR BY MERGER TO NORTHERN  
TRUST, N.A., FORMERLY KNOWN AS NORTHERN TRUST BANK OF FLORIDA,  
N.A., C/O STEVEN M. LEE, P.A., 1200 SW 2<sup>ND</sup> AVENUE, MIAMI, FL 33130-4214,** is  
due:

	Principal	\$ 55,024.02
	Interest on the note and mortgage at <b>6.0%</b> from <b>9/8/2011 to 8/22/2016</b>	\$
	16,211.11	
	Per diem interest at <b>\$9.10</b> per day from <b>8/23/2016 to 11/14/2016</b>	\$ 755.30
	Pre-Acceleration Late Charges	\$
3,227.27		
	Total Advances by Plaintiff	\$ 8,172.03
	Real Estate Taxes 2015 - \$ 642.97	
	Real Estate Taxes 2014 - \$ 611.98	
	Real Estate Taxes 2013 - \$ 594.06	
	Real Estate Taxes 2012 - \$ 574.14	
	Real Estate Taxes 2011 - \$ 635.46	
	Real Estate Taxes 2010 - \$ 1,069.41	
	Real Estate Taxes 2009 - \$ 978.73	
	Hazard Insurance 2014 - \$ 1,021.76	
	Hazard Insurance 2013 - \$ 1,021.76	
	Hazard Insurance 2012 - \$ 1,021.76	
	PLUS: Escrow deficit	\$
1,769.08		
	Attorneys' fees	
	Finding as to reasonable number of hours 8.4 Hours	
	Finding as to reasonable hourly rate \$300.00	
	Attorneys' fees total	\$
2,520.00		
	Title search expense	\$
250.00		
	Court costs	

Filing fee	\$
955.50	
Service of Process at \$55.00 per defendant	\$
390.00	
<b>TOTAL</b>	<b>\$</b>
<b>89,274.31</b>	

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:

LOT 23, BLOCK 115, VERO BEACH HIGHLANDS, UNIT #5, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 56, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

PROPERTY ADDRESS: 885 24th STREET, S.W.  
VERO BEACH, FLORIDA 32962

PARCEL NO.: 33-39-36-00005-1150-00023/0

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 February 2, 2017** to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at [www.indian-river.realforeclose.com](http://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.

11. **Lost Mortgage.** The Court finds that the Plaintiff has re-established the terms of the lost Mortgage and Mortgage Modification and its right to enforce the instruments. Plaintiff shall hold the Defendant(s) maker of the Mortgage and Mortgage Modification and shall indemnify Defendant(s) from any loss they may incur by reason

of a claim by any other person to enforce the lost Mortgage and Mortgage Modification. The lost Mortgage and Mortgage Modification is hereby re-established.

**12. HOA Assessments.** In the event Plaintiff or its assignee is the successful bidder herein, then Plaintiff shall be liable for a sum equal to twelve months' worth of past due homeowners association assessments or one percent of the original principal balance of the loan being foreclosed herein, whichever is less. In the event a third party bidder purchases at the sale, then said third party shall be liable for all past due assessments owing to Defendant, ERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT CORPORATION, for the property being foreclosed herein.

**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, 2000 16<sup>TH</sup> 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 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 **December 19, 2016** at **Vero Beach**, Florida.



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CIRCUIT JUDGE

Copies Furnished by e-portal to:

Steven M. Lee, P.A.  
1200 SW 2<sup>nd</sup> Avenue  
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[service@stevenleelaw.com](mailto:service@stevenleelaw.com)  
Attorney for Plaintiff

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

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(ATTORNEY FOR BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY)

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