

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

NANCY MCCLOSKEY,

Plaintiff/Counter-Defendant,

CASE NO.: 312016CA000264

JUDGE: PAUL B. KANAREK

vs.

GEORGE MCCLOSKEY,

Defendant/Counter-Plaintiff.

_____ /

PARTIAL SUMMARY JUDGMENT

THIS ACTION was heard before the Court on **November 30, 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, NANCY MCCLOSKEY's, Motion for Partial Summary Judgment is GRANTED.

2. **Property.** This Judgment relates to the following described property in Indian River County, Florida:

*Lot 63, of DIAMOND LAKE SUBDIVISION, PHASE TWO,
according to the Plat thereof, as recorded in Plat Book 18, Page 31,
of the Public Records of Indian River County, Florida.*

Parcel Identification No: 33-39-28-00008-0000-0063/0

Property Address: 5145 Topaz Lane SW, Vero Beach, FL 32968

3. **Sale of Property.** The Clerk of this Court shall sell the property at public sale on March 22, 2017, 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 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 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 the 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.

4. **Costs.** Plaintiff shall advance all subsequent costs as required to comply with Chapter 45 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. The clerk shall receive the service charge imposed in Section 45.031, Florida Statutes.

5. **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 Plaintiffs' costs; and second, documentary stamps affixed to the certificate. The clerk shall retain the remaining proceeds of sale in the Court Registry pending further order of the Court.

6. **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 any Motion for Writ of Possession shall be entered without further notice of hearing.

7. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, an order determining the allocation of remaining sale proceeds between the parties, writs of possession and such supplemental relief or judgments as may be appropriate.

8. 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.

ORDERED at Vero Beach, Indian River County, Florida on the 1 day of
July, 2017.


PAUL B. KANAREK
CIRCUIT JUDGE

Copies furnished to:

Owen Schultz, Esq., Counsel for Plaintiff
Michelle Napier, Esq. Counsel for Defendant