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

BANK OF AMERICA, N.A.

CASE NO. 2016 CA 000411

Plaintiff,

312016CA000411XXXXXX

Division No.

vs.

STATE OF FLORIDA; GEOFFERY W. MARTIN
A/K/A GEOFFREY MARTIN; CLERK OF THE
CIRCUIT COURT, IN AND FOR INDIAN RIVER
COUNTY, FLORIDA; UNKNOWN TENANT #2
N/K/A TOREY ANDERSON and UNKNOWN
TENANT #1 N/K/A JANELLE ERVIN,

Defendants/

FINAL JUDGMENT OF FORECLOSURE

(Form Approved by 19th Circuit Administrative Order 2010-08)

THIS ACTION was heard before the Court on the Plaintiff's Motion for Summary Final Judgment of Foreclosure on 5/19/2017. On the evidence presented:

IT IS 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, BANK OF AMERICA, N.A., is due:

Principal due on the note secured by the mortgage foreclosed: \$68,985.28

Interest on the note and mortgage from 04/01/12 to 07/31/16 \$19,430.84

Per diem interest at \$12.28 from 08/01/16 to 05/19/17 \$3,573.48

Taxes \$923.99

Insurance Premiums \$6,492.00

Attorneys' Fees

Uncontested Fee: \$2,800.00 \$3,877.15

Contested Fee: 5.01 hours X \$215.00 = \$1,077.15

Court Costs

Filing Fee	\$1,014.50
Service of Process	\$330.00
Late Charges	\$248.15
MIP/PMI Insurance	\$447.02
Property Inspection	\$15.00
Subtotal	\$105,337.41
Total Due	\$105,337.41

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:

LOT 3, BLOCK F, DIXIE HEIGHTS UNIT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 84, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 475 13th Pl SW, Vero Beach, Florida 32962

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 July 18, 2017**, to the highest bidder for cash, except as prescribed in paragraph 6,:

By electronic sale beginning at 10:00 AM on the prescribed date at www.indian-river.realforeclose.com, the Clerk's website for on-line auctions

in accordance with section 45.031, Florida Statutes **The public sale shall not be postponed or canceled without a court order, and shall proceed regardless of whether plaintiff, a plaintiff's representative, or plaintiff's counsel is present. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. two business days before the sale date. Counsel for plaintiff must be certain that the clerk has the original proof of publication of the notice of sale on file no less than three business days before the sale date. Failure to file the original proof publication of the notice of sale will not stop the sale, however the certificate of sale will not issue until the original proof of publication of notice of sale is filed. The failure of**

plaintiff's counsel to 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. If the original proof of publication of notice of sale is not filed with the clerk within ten calendar days after the sale, an order will be entered directing the plaintiff to show cause why the sale should not be vacated and the case dismissed with or without prejudice. The fact that an attorney has a high volume practice will not be a showing of good cause.

Any electronic sale by the clerk shall be in accordance with the written administrative policy for electronic sale published by the clerk at the official website for the clerk and posted in the public areas of the clerk's office.

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, the Clerk shall credit plaintiff's bid with the total sum with 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 the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorney's fees; fourth, the total sum due to the 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 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 remains in possession of the property, the clerk shall without further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of Title.

10. **Attorneys' Fees.** The Court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff that inasmuch as this case was contested, fees incurred include \$1,077.15 which represents 5.01 hours at \$215.00 an hour, plus an uncontested flat fee of \$2,800.00 for a total sum of \$3,877.15 in favor of the Gilbert Garcia Group, P.A. in the prosecution of this lawsuit is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the Plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to Florida Patients Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985).

11. The Plaintiff may assign the judgment, cause of action and credit bid to any third party by the filing of an Assignment without further order of the court.

12. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgments. In addition, this court retains

jurisdiction to enter any required supplemental complaint(s) such as re-foreclosure to add a necessary and/or omitted party without the necessity of filing a separate action.

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 THE COURT, JOSEPH E. SMITH, 201 SOUTH INDIAN RIVER DRIVE, FORT PIERCE, FL 34950- , 772-462-6938, 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 PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT THE LEGAL AID SOCIETY AT FLORIDA RURAL LEGAL SERVICES, 200 SOUTH INDIAN RIVER DRIVE, FT. PIERCE, FL (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, FT. PIERCE, FL (772) 466-4766, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at INDIAN RIVER County, Florida, on May 19, 2017.



PAUL B. KANAREK
Circuit Judge

Copies furnished:

GILBERT GARCIA GROUP, P.A.
2313 W. Violet St.
TAMPA, FL 33603
EMAILSERVICE@GILBERTGROUPLAW.COM

UNKNOWN TENANT #2 NKA TOREY ANDERSON
475 13TH PLACE SW,
VERO BEACH, FL 32962

MARK S. DUNN, ESQ. FOR STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL, THE CAPITOL, SUITE PL-01
TALLAHASSEE, FL 32399
OAG.FORECLOSE.ESERVE@MYFLORIDALEGAL.COM

GEOFFERY W. MARTIN A/K/A GEOFFREY MARTIN
475 13TH PLACE SW,
VERO BEACH, FL 32962

CLERK OF THE CIRCUIT COURT, IN AND FOR INDIAN RIVER COUNTY, FLORIDA
C/O JEFFREY R. SMITH,
2000 16TH AVENUE,
VERO BEACH, FL 32960

UNKNOWN TENANT #1 NKA JANELLE ERVIN
475 13TH PLACE SW,
VERO BEACH, FL 32962