

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 2016CA000657

312016 CA 000657

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE
FOR THE HOMEBANC MORTGAGE TRUST 2006-1,
MORTGAGE PASS-THROUGH CERTIFICATES
Plaintiff,

vs.

BUDDY WHEATLEY; UNKNOWN SPOUSE OF BUDDY
WHEATLEY; TRILLIUM HOMEOWNERS'
ASSOCIATION, INC.; UNKNOWN PERSON(S) IN
POSSESSION OF THE SUBJECT PROPERTY;
Defendants.

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the Court on Plaintiff's Motion for Summary Final Judgment on August 7, 2017, 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. **Value of Claim.** At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes, plaintiff estimated the amount in controversy of the claim to be \$127,713.99. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$142,000.45, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the graduated filing fee scale in section 28.241(1)(a)2.d., Florida Statutes, controls. If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the plaintiff shall pay the additional fee at least five business days prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. **Amounts Due.** Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOMEBANC MORTGAGE TRUST 2006-1, MORTGAGE PASS-THROUGH CERTIFICATES, c/o SELECT PORTFOLIO SERVICING, INC., SELECT PORTFOLIO SERVICING INC., Remittance processing, PO BOX 65450,, SALT LAKE CITY, Utah 84165-(0450) is due:

Principal	\$	116,583.54
Interest on the note and mortgage at 6.875% from 8/1/2014 to 8/7/2017	\$	10,402.68
Late Charges	\$	12.75
Escrow Advances:		
Taxes	\$	4,917.23
Hazard Insurance	\$	4,074.00

BY:  J.R. SMITH
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL
17 AUG 11 AM 9:50

FILED
17 AUG 11 AM 9:50
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL

Attorney's Fees

Other*

(* the requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)

Attorneys' fee total	\$	3,450.00
Court Costs:		
Filing fee	\$	961.00
Service of process	\$	1,200.25
Summons	\$	25.00
Additional Costs:		
Property Inspections	\$	285.00
Property Valuations	\$	89.00
Subtotal:	\$	142,000.45
TOTAL:	\$	<u>142,000.45</u>

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

5. **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 78.116 or 720.3085, Florida Statutes) on the following described property in INDIAN RIVER County, Florida:

LOT 18, OF ANTHEM LAKES AT TRILLIUM, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 36, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 3123 ANTHEM WAY, VERO BEACH, FLORIDA 32966-

6. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the subject property at public sale on September 11, 2015 at 10:00 A.M., to the highest bidder for cash, except as prescribed in Paragraph 7, by electronic sale at WWW.INDIAN-RIVER.REALFORECLOSE.COM 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.

7. **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.

8. 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 attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

9. Right of Redemption. On filing of 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.

10. 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.

11. 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.

12. Jurisdiction of this action is retained to allow for a supplemental complaint to add omitted parties post-judgment.

13. Jurisdiction of this action is retained to provide for post judgment determination of the amount of assessments due pursuant to Fla. Stat. §718.116 and /or §720.3085.

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 SIXTY (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 16TH AVENUE, VERO BEACH, FLORIDA 32960 (TELEPHONE: 772 7705185), WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS

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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 SERVICES, 200 S. INDIAN RIVER DRIVE, SUITE 101,
FT. PIERCE, FL 34948 PHONE: 1-888-582-3410, 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 THE FLORIDA RURAL LEGAL SERVICES AT 1-888-582-3410 FOR
ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS
NOTICE.

DONE AND ORDERED in Chambers in Vero Beach, INDIAN RIVER County, Florida, this

7 day of aug, 2017.


PAUL B. KANAREK, CIRCUIT JUDGE

Copies Furnished to the parties on the attached service list:

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Summary Final Judgment
Case No. 2016CA000657

Kahane & Associates, P.A.
8201 Peters Road, Ste.3000
Plantation, FL 33324
Telephone: (954) 382-3486
Telefacsimile: (954) 382-5380
Designated service email: notice@kahaneandassociates.com

BUDDY WHEATLEY
3123 ANTHEM WAY
VERO BEACH, FLORIDA 32966

UNKNOWN SPOUSE OF BUDDY WHEATLEY
N/K/A ANGELA WAYT
39 MEDWAY DRIVE
FOREST ROW, RH18 5NU

UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY
3123 ANTHEM WAY
VERO BEACH, FLORIDA 32966

TRILLIUM HOMEOWNERS' ASSOCIATION, INC.
c/o ELLIOTT MERRILL COMMUNITY MGMT, as Registered Agent
835 20TH PLACE
VERO BEACH, FLORIDA 32960