

Filing # 58481903 E-Filed 06/30/2017 10:23:03 AM

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

M&T BANK,
Plaintiff(s),

CASE NO. 312017CA000156XXXXXX

v.

MARTHA STRUVE, et al.,
Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on **June 30, 2017** and on the evidence presented and otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** There is no dispute of material facts and plaintiff's motion for summary judgment is granted.

2. **Amounts Due.** Plaintiff, M&T BANK, 1100 Werhle Drive, Williamsville, NY 14221, is due:

Principal	\$163,988.39
Interest on the note and mortgage from 5/01/2016 to 05/01/2017	\$6,969.48
Per diem interest at 4.25000% from 05/02/2017 to 06/30/2017	\$1,145.40
Title search expenses	\$400.00
Escrow Advances (<i>Taxes and Insurance</i>)	\$3,678.30
Attorneys' fees	
Attorneys' Flat Fee Total	\$3,625.00
Court costs:	
Filing fee	\$907.50
Service of process at \$55 per defendant	\$335.00
Publication for <u>N/A</u>	\$0.00
Additional Costs	
Additional costs: Property Inspection	\$70.00
Additional costs: Repay Fee	\$10.00
Additional costs: Pre-Accelerated Late Charges	\$142.80
Additional costs: Summons Issuance Fee	\$60.00
Additional costs: Lis Pendens Recording Fee	\$5.00
Additional costs: Complaint to Process Server	\$5.00

SUBTOTAL	\$181,341.87
LESS: Other	\$0.00
TOTAL	\$181,341.87

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:

LOTS 7 AND 8, BLOCK 1, MORTIMER PARKWAY
A/K/A DEARIE PINES, ACCORDING TO THE PLAT
THEREOF, RECORDED IN PLAT BOOK 1, PAGE 39,
PUBLIC RECORDS OF INDIAN RIVER COUNTY,
FLORIDA.

Property Address: 2130 55TH AVE, VERO BEACH, FL 32966

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 October 30, 2017, at 10:00 AM to the highest bidder for cash, except as prescribed in paragraph 6, 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.

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 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 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. The Court retains jurisdiction of this action to enter further Orders that are proper including, without limitation, writs of possession, deficiency judgments and such supplemental relief or judgments as may be appropriate.

11. Plaintiff hereby assigns its bid to Federal Home Loan Mortgage Corporation and the Certificate of Title shall be issued to said entity.

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 OF INDIAN RIVER COUNTY 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 INDIAN RIVER LEGAL AID, 3210 CLEVELAND AVE. #101A, FORT MYERS, FL 33901, (239)277-7060 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 INDIAN RIVER LEGAL AID, 3210 CLEVELAND AVE. #101A, FORT MYERS, FL 33901, (239)277-7060 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED on June 30, 2017 at Vero Beach, Florida



CIRCUIT JUDGE

Copies Furnished by U.S. Mail to:

DISTRIBUTION LIST

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VERO BEACH, FL 32966-0000

RBC BANK (USA)
300 DELAWARE AVENUE, 4TH FLOOR
WILMINGTON, DE 19801

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FLORIDA CORPORATION)
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PLEADINGS@CASULLIVANLAW.COM

UNKNOWN TENANT IN POSSESSION 1 N/K/A KATHRYN SELF
2130 55TH AVE
VERO BEACH, FL 32966

UNKNOWN TENANT IN POSSESSION 2 N/K/A TIMOTHY SELF
2130 55TH AVE
VERO BEACH, FL 32966

CURRENT RESIDENT(S)
2130 55TH AVE
VERO BEACH, FL 32966-0000