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

INDIAN RIVER COUNTY HABITAT
FOR HUMANITY, INC., a Florida
non-profit corporation,

CASE NO: 312017CA000394XXXXXX
JUDGE: PAUL B. KANAREK

Plaintiff,

vs.

ERIKA U. MANNING a/k/a ERIKA MANNING;
UNKNOWN SPOUSE OF
ERIKA U. MANNING a/k/a ERIKA MANNING;
PNC BANK, NA, as successor by merger to RBC Bank (USA);
INDIAN RIVER COUNTY, a political
subdivision of the State of Florida;
GRACE WOODS HOMEOWNERS' ASSOCIATION, INC.
a Florida not for profit corporation;
JOHN DOE and JANE DOE as unknown tenants in possession;
and any and all unknown parties claiming by, through,
under, and/or against the herein named
individual defendants who are not known
to be dead or alive, whether said unknown
parties may claim an interest as spouses, heirs,
devisees, grantees or other claimants;

Defendants.

_____ /

SUMMARY FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment including a Hearing to Tax Attorneys' Fees and Costs on September 1, 2017. 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 Final Judgment including a Hearing to Tax Attorneys' Fees and Costs is granted.

2. **Amounts Due.** Plaintiff, Indian River County Habitat for Humanity, Inc., 4568 North U.S. #1, Vero Beach, Florida 32967, is due:

Principal amount due on Note & Mortgage	\$38,111.63
Accrued interest from <u>7/1/2016 to 9/1/17</u>	\$8,025.37
(18 % <u>per annum</u>)	
Late Fees	\$325.00
Insurance	\$845.53

Homeowner Association Fees	\$400.82
Real Estate Taxes.....	\$489.30
Total Due on Note & Mortgage	\$48,197.65
<u>Attorneys' Fees</u>	
Finding as to reasonable number of hours.....	20.0
Finding as to reasonable additional hours for completion of this action.....	4.0
Finding as to reasonable hourly rate of	\$200.00
Total Fees	\$4,800.00
<u>Costs</u>	
Filing Fee/Lis Pendens	\$439.22
Summonses (7 at \$10 each).....	\$70.00
Service of Process Fees	\$245.00
Title Search Fee	\$200.00
Total Costs	\$954.22
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TOTAL	\$53,951.87

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:

**Lot 25, GRACE WOODS, according to the Plat thereof as recorded in Plat Book 23, Page(s) 50, Public Records of Indian River County, Florida.
Parcel ID#: 33392600016000000025.0
Property Address: 1579 15th Circle SW, Vero Beach, FL 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 Court shall sell the property at public sale on November 30, 2017, to the highest bidder for cash, except as prescribed in paragraph 6:

XX 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 timely file the original Proof of Publication of the Notice of Sale and pay the sale and clerk fee 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 Plaintiff, Plaintiff's counsel individually, and the law firm representing 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 attorney's 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 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 or tenant remains in possession of the property, the 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 Note.** The Court finds that the plaintiff has re-established the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes. Plaintiff shall hold the defendant(s) maker of the note harmless and shall indemnify defendant(s) from any loss they may incur by reason of a claim by any other person to enforce the lost note. Adequate protection is provided as required by Section 673.3091, Florida Statutes. Judgment is hereby entered in favor of plaintiff as to its request to enforce the lost note.

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, CIRCUIT CIVIL DIVISION AT INDIAN RIVER COUNTY COURTHOUSE, 2000 - 16TH AVENUE, FLORIDA 32960, TELEPHONE 772-770-5185,** 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 **FLORIDA RURAL LEGAL SERVICES, 510 SOUTH US HWY #1, SUITE 1, FORT PIERCE, FLORIDA 34950, TELEPHONE 888-582-3410 or 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, 510 SOUTH US HWY #1, SUITE 1, FORT PIERCE, FLORIDA 34950, TELEPHONE 888-582-3410 or 772-466-4766** FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED on September 1, 2017, at Vero Beach, Florida.



PAUL B. KANAREK, CIRCUIT JUDGE

Copies to: Attached Service List

SERVICE LIST

C. Douglas Vitunac, Esq., Collins, Brown, Barkett, et al., 756 Beachland Boulevard, Vero Beach, Florida 32963, Email: dvitunacpleadings@verolaw.com

Indian River County, c/o William DeBraul, Assistant County Attorney, 1801 - 27th Street, Bldg. A, Vero Beach, Florida 32960, Email: bdebraal@ircgov.com

Grace Woods Home Owner's Association, Inc., c/o Andrew Bowler, as Registered Agent, 4568 North US Highway 1, Vero Beach, FL 32967

PNC Bank, NA, 1700 Florida Highway A1A, Vero Beach, FL 32963

Erika Manning, 1579 15th Circle SW, Vero Beach, FL 32962

Jeremy Wiley, 1579 15th Circle SW, Vero Beach, FL 32962

Warren Williams, 1579 15th Circle SW, Vero Beach, FL 32962