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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 000635

Plaintiff,

312016CA000635XXXXXX

vs.

Division No.

ANTHONY AMATRUDI a/k/a ANTHONY M.
AMATRUDI; CHARLENE AMATRUDI;
DIAMOND LAKE HOMEOWNERS
ASSOCIATION OF VERO BEACH, INC.;
UNKNOWN TENANT #1 n/k/a YADERKY
AVILA; AND UNKNOWN TENANT #2 n/k/a
ELEUTERIO DELGADILLO.

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 9/1/2017, and of the evidence presented and being otherwise duly advised in the premises,

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:	\$424,757.36
Interest on the note and mortgage from 10/01/11 to 12/16/16	\$74,100.30
Per diem interest at \$43.52 from 12/17/16 to 09/01/17	\$11,228.16
Taxes	\$35,766.74
Hazard Insurance	\$49,136.91
Attorneys' Fees	
Uncontested Fee: \$3,950.00	\$4,827.20
Contested Fee: 4.08 hours X \$215.00 = \$877.20	
Court Costs	
Filing Fee	\$2,008.00

Service of Process	\$495.00
Title Fee	\$115.00
Skip Trace	\$160.50
Late Charges	\$288.22
Property Preservation	\$770.00
Other- Payment Advance	\$20,181.61
Subtotal	\$623,835.00
Escrow Balance Credit	-\$14,265.61
Total Due	\$609,569.39

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 66, 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.

Property address: 5085 Topaz Lane Sw, Vero Beach, Florida 32968-0000

5. **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 property at public sale on October 31, 2017, to the highest bidder for cash, except as prescribed in paragraph 7, by electronic sale at www.indian-river.realforeclose.com, the Clerk's website for on-line auctions 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 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. If the original proof of publication of the 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, 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 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 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, 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. **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 \$877.20 which represents 4.08 hours at \$215.00 an hour, plus an uncontested flat fee of \$3,950.00, for a total sum of \$4,827.20 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, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

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, 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 FLORIDA RURAL LEGAL SERVICES MONDAY THROUGH FRIDAY AT 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 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 on September 1, 2013 at Vero Beach, Florida, on 20


HONORABLE PRESIDING JUDGE
CIRCUIT COURT JUDGE

Copies furnished:
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