

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

31
Case No.: 2015CA000310
Division:

U.S. BANK NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR THE
RMAC TRUST, SERIES 2016-CTT,

Plaintiff,

vs.

GLENDAL L. MATESIC, THOMAS
M. MATESIC, SILVER SANDS
PROPERTY OWNERS'
ASSOCIATION OF VERO BEACH,
INC., MARINE BANK AND TRUST
COMPANY, FIRST PEOPLES
BANK N/K/A FLORIDA
COMMUNITY BANK, NATIONAL
ASSOCIATION,

Defendants.
_____ /

IN REM FINAL JUDGMENT OF FORECLOSURE

(Form Approved by 19th Circuit Administrative Order 2015-7)

THIS CAUSE which is currently set for non-jury trial on October 3, 2017, came before the Court upon the Joint Stipulation to In Rem Final Judgment of Foreclosure entered into between the Plaintiff, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT, and Defendant, THOMAS M. MATESIC, and based upon the evidence presented, it is hereby

ORDERED AND ADJUDGED that:

1. **Final Judgment.** Final judgment is entered for Plaintiff, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT, against Defendants: FIRST PEOPLES BANK N/K/A

IN REM FINAL JUDGMENT OF FORECLOSURE

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CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY
FLORIDA

FLORIDA COMMUNITY BANK, NATIONAL ASSOCIATION; SILVER SANDS
PROPERTY OWNERS' ASSOCIATION OF VERO BEACH, INC.; MARINE BANK AND
TRUST COMPANY; GLENDA L. MATESIC; THOMAS M. METESIC.

2. **Amounts Due.** Plaintiff, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES
2016-CTT, is due:

Principal	\$305,904.46
Interest on the note and mortgage from 5/1/2010 to 10/3/2017	\$100,983.86
Per diem interest at \$33.52	
Title search expense	\$200.00
Taxes	\$25,206.86
Insurance premiums	\$43,038.96
Attorneys' Fees	
Hourly Attorney's Fees at \$185.00 an hour for 15 hours for a total of \$2,775.00	
Hourly Attorney's Fees at \$200.00 an hour for 6 hours for a total of \$1,200.00.	
Other \$3,450.00	
(*The requested attorney's fee is a flat rate 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' fees total:	\$7,425.00
Additional Costs	
Property Inspections	\$251.50
Property Preservation	\$85.00
Appraisals/BPOs	\$78.00
TOTAL	\$483,173.64

3. **Interest.** The total amount referenced in paragraph 2 shall bear interest from this date
forward at the prevailing statutory legal rate of interest, which is presently 5.35% per year.

4. **Lien on Property:** Plaintiff, whose address is 15480 LAGUNA CANYON RD IRVINE,
CA 92618, holds a lien for the total sum stated in paragraph 2 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 14, SILVER SANDS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 22, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 2225 SILVER SAND COURT, VERO BEACH, FL 32963.

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 electronic sale on January 30, 2018, at 10:00 A.M. EST to the highest bidder for cash, except as prescribed in paragraph 6, in accordance with section 45.031, Florida Statutes. Sales are held online at www.indian-river.realforeclose.com.

The public sale shall not be postponed or cancelled without a Court order. All orders postponing or cancelling the sale must be filed with the Clerk or 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 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 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 the 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 five (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 sale; and by retaining any 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 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 of 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, orders authorizing writs of possession; an award of additional attorney's fees; to enter a reforeclosure judgment/order to correct errors or omissions in this foreclosure action; or to determine the amounts due any association under

§718.116 or §720.3085.

11. The Court also reserves jurisdiction so that in the event additional sums are expended by Plaintiff to protect its interest in the property after entry of this judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs, Plaintiff may file an affidavit setting forth such expenditures and the Court may enter an order awarding Plaintiff the amount expended and add it to the grand total amount due under this final judgment, or if the property has been redeemed by payment of the judgment the Court can enter a new foreclosure judgment for the amount expended.

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, 2000 16TH AVENUE, VERO BEACH, FL 34950, (TELEPHONE: 772-770-5185), 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 Florida Rural Legal Services-Fort Pierce-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-Fort Pierce-1-888-582-3410, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. The purchaser of a condominium unit or of a home owner association property at the judicial sale scheduled herein shall be responsible for assessments and other charges in accordance with Florida Statutes §718.116 and §720.3085, respectively.

13. Plaintiff is not entitled to a deficiency judgment as the Defendant, THOMAS M. MATESIC, did not execute the subject note, and Defendant, GLENDA L. MATESIC, obtained a bankruptcy discharge in the United States Bankruptcy Court for the Southern District of Florida in Case Number 12-11237-EPK discharging the subject mortgage loan debt.

14. Plaintiff agrees that the foreclosure sale date of the property shall be set by the Clerk after the entry of Final Judgment of Foreclosure. The sale date shall be set no earlier than 120 days from the date of this judgment.

DONE AND ORDERED in Indian River County, Florida, on September 28, 2017



CIRCUIT JUDGE

Conformed Copy furnished to:

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GLENDAL. MATESIC
2225 SILVER SAND COURT
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FIRST PEOPLES BANK N/K/A FLORIDA
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