

Filing # 66179360 E-Filed 01/05/2018 03:50:25 PM

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

U.S. BANK NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE FOR TOWD POINT
MORTGAGE TRUST ASSET-BACKED
SECURITIES, SERIES 2015-2,

Plaintiff,

CASE NO.: 2017 CA 000239

vs.

312017CA000239XXXXXX

JAMES E. BERGAN; UNKNOWN SPOUSE OF
JAMES E. BERGAN; THE VILLAS AT INDIAN
RIVER CONDOMINIUM ASSOCIATION, INC;
UNKNOWN TENANT(S) IN POSSESSION #1
and #2, and ALL OTHER UNKNOWN PARTIES,
including, if a named Defendant is deceased, the
personal representatives, the surviving spouse,
heirs, devisees, grantees, creditors, and all other
parties claiming, by, through, under or against that
Defendant, and all claimants, persons or parties,
natural or corporate, or whose exact legal status is
unknown, claiming under any of the above named
or described Defendants,

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE (IN REM)

This action was tried before the court on the Non-Jury Trial set for January 05, 2018, and
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 final judgment is entered in favor of the plaintiff.
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 \$78,064.89. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$88,010.57, 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 INDENTURE TRUSTEE FOR TOWD POINT MORTGAGE TRUST ASSET-BACKED SECURITIES, SERIES 2015-2, is due:

Principal	\$78,064.89
Interest on the note and mortgage from [04/01/16] to [01/05/18]	\$5,026.77
Taxes	\$1,162.21
Additional Costs	
[Valuations]	\$89.00
[Inspections]	\$150.00
[Foreclosure Fees]	\$2,320.00
[Foreclosure Costs]	\$1,332.50
[Late Charges]	\$113.30
Subtotal (if applicable)	
LESS: Unapplied Funds	(\$248.10)
TOTAL	\$88,010.57

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 718.116, or 720.3085, Florida Statutes) on the following described property in Indian River County, Florida:

CONDOMINIUM UNIT NO. 451, BUILDING 11 OF THE VILLAS AT INDIAN RIVER, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, FILED UNDER CLERK'S FILE NO. 1545637, AND RECORDED IN OFFICIAL RECORDS BOOK 1736, AT PAGES 1058-1168, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA AND TOGETHER WITH AN UNDIVIDED SHARE IN THE COMMON ELEMENTS APPURTENANT THERETO.

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 property at public sale on **February 20, 2018, at 10:00 AM**, to the highest bidder for cash, 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 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.
9. **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.

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, writs of possession and such supplemental relief or judgments as may be appropriate.
12. In the event that a foreclosure sale is conducted pursuant to this Order and the successful purchaser fails to pay the initial deposit to the Clerk of Court and/or pay the complete purchase price to the Clerk of Court in accordance with the rules of the sale, the Clerk of Court shall reschedule the foreclosure sale pursuant to Florida Statute §45.031(2).
13. To the extent a non-resident cost bond has been filed by the Plaintiff, the Clerk of Court is directed to return the non-resident cost bond to Plaintiff payable as follows: POPKIN & ROSALER, P.A., 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.
14. Should the subject property be sold to a third party at the foreclosure sale, the Clerk of Court is directed to make the full amount of the sale proceeds due Plaintiff payable as follows: **POPKIN & ROSALER, P.A. TRUST ACCOUNT, 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.**

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 THIS 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 COURT, [REDACTED] AVENUE, VERO BEACH, FL 32960 ((772) 770-5176), 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 PROPERTY INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT FLORIDA RURAL LEGAL SERVICES 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FL 34950 (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 200 SOUTH INDIAN RIVER DRIVE, SUITE 101, FORT PIERCE, FL 34950 (772-466-4766) FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in chambers at Vero Beach, Indian River County, Florida this 05th day of January 2018.



PAUL B. KANAREK
Circuit Court Judge

Copies Provided to:

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