

Filing # 68764850 E-Filed 03/05/2018 09:49:34 AM

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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST,  
Plaintiff,

CASE NO.: 31-2017-CA-000404  
DIVISION:

vs.

THE UNKNOWN HEIRS, DEVISEES, GRANTEES,  
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES,  
OR OTHER CLAIMANTS CLAIMING BY, THROUGH,  
UNDER, OR AGAINST, GLORIA MONTANEZ,  
DECEASED; KATHLEEN MILES F/K/A KATHLEEN  
GUZMAN F/K/A KATIE GUZMAN; RAY NADEAU A/K/A  
RAYMOND JOSEPH NADEAU A/K/A RAYMOND J.  
NADEAU; ANY AND ALL UNKNOWN PARTIES CLAIMING  
BY, THROUGH, UNDER, AND AGAINST THE HEREIN  
NAMED INDIVIDUAL DEFENDANT(S) 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; UNKNOWN PARTY #1, UNKNOWN PARTY #2,  
UNKNOWN PARTY #3, and UNKNOWN PARTY #4 THE  
NAMES BEING FICTITIOUS TO ACCOUNT FOR  
PARTIES IN POSSESSION,  
Defendant(s).

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FINAL JUDGMENT OF FORECLOSURE

This Action was heard before the Court on March 2, 2018, and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** There is no dispute of material facts and Plaintiff is entitled to entry of final judgment.
2. **Amounts Due.** Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, located at 13801 Wireless Way, Oklahoma City, OK 73134, is due:

<b>Principal</b>	<b>\$262,765.85</b>
Interest on the note and mortgage from August 17, 2012 to March 2, 2018	\$59,180.17

County Taxes	\$34,266.37
Homeowners Insurance	\$3,967.00
Forced Placed Tax Disbursements	\$7,145.20

Attorney's fees:	\$3,450.00
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The requested attorney's fee is a flat rate fee 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.

Court Costs:	
Filing Fee	\$1,993.50
Service of Process	\$676.30
Death Search Fee	\$483.17
Notice of Action Publication	\$170.00

Additional Costs:	
Property Preservation	\$25,714.95
Property Inspections	\$342.00

<b>GRAND TOTAL</b>	<b>\$400,154.51</b>
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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 12 AND 13, BLOCK 15, PLAT NO. 1, MCANSH PARK, ACCORDING TO THE  
PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 28, PUBLIC RECORDS OF  
INDIAN RIVER COUNTY, FLORIDA.

Property address: 2208 BUENA VISTA BLVD, VERO BEACH, FL 32960

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 the Court shall sell the subject property at public sale on April 6, 2018, to the highest bidder for cash, except as prescribed in Paragraph 6 at <https://www.indian-river.realeforeclose.com>, beginning at 10:00AM 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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorneys' fees; fourth, the total sum due to the 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 of 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. **Jurisdiction Retained.** The Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: orders related to pursuit and entry of deficiency judgment, if Defendant has not been discharged in bankruptcy, or it is not prohibited by federal law or mutual settlement agreement; orders granting additional attorney's fees and costs; writs of possession; orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to sections 718.116 or 720.3085 of the Florida Statutes; orders arising out of re-foreclosure, to include permitting a supplemental complaint to add an interest-holder, and/or; orders involving reformation of the mortgage instrument or deed to perfect title.

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.

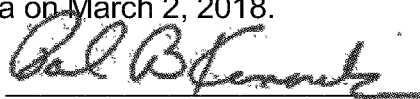
IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, INDIAN RIVER COUNTY CLERK OF COURT INDIAN RIVER COUNTY COURTHOUSE ATTN: CIVIL DEPARTMENT 2000 16TH AVE.

VERO BEACH, FL 32960, [TELEPHONE: 772-770-5185 1-2-1], 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, INC., 510 SOUTH US HWY 1, SUITE 1, FORT PIERCE, FL 34950 (TELEPHONE: (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, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order from this court.

**ORDERED** at Indian River County, Florida on March 2, 2018.



Circuit Judge

Copies furnished by U.S. Mail to:

AB-17-010091

Copies furnished to:

Albertelli Law  
P.O. Box 23028  
Tampa, FL 33623  
eService: [servealaw@albertellilaw.com](mailto:servealaw@albertellilaw.com)

The Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or other Claimants claiming by, through, under, or against, Gloria Montanez, deceased  
Publish

Kathleen Miles f/k/a Kathleen Guzman f/k/a Katie Guzman  
7810 Light Fighter Dr., Apt. B  
Colorado Springs, CO 80902

Ray Nadeau a/k/ Raymond Joseph Nadeau a/k/a Raymond J. Nadeau  
4881 Jorgensen Road  
Fort Pierce, FL 34981