

Filing # 68773739 E-Filed 03/05/2018 11:13:21 AM

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT IN AND FOR
INDIAN RIVER COUNTY, FLORIDA

CASE NO.: CASE NO. 2016 CA 000542

THE BANK OF NEW YORK MELLON FKA THE
BANK OF NEW YORK, AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWMBS, INC., CHL
MORTGAGE PASS-THROUGH TRUST 2004-HYB7,
MORTGAGE PASS THROUGH CERTIFICATES,
SERIES 2004-HYB7,

Plaintiff(s),

v.

PATRICK BRUEGGEMAN A/K/A PATRICK K.
BRUEGGEMAN; SIGNORELLA BRUEGGEMAN
A/K/A SIGNORELLA A. BRUEGGEMAN; ALL
UNKNOWN PARTIES CLAIMING INTERESTS BY,
THROUGH, UNDER OR AGAINST A NAMED
DEFENDANT TO THIS ACTION, OR HAVING OR
CLAIMING TO HAVE ANY RIGHT, TITLE OR
INTEREST IN THE PROPERTY HEREIN DESCRIBED;
UNKNOWN SPOUSE OF PATRICK BRUEGGEMAN
A/K/A PATRICK K. BRUEGGEMAN; UNKNOWN
SPOUSE OF SIGNORELLA BRUEGGEMAN A/K/A
SIGNORELLA A. BRUEGGEMAN; UNKNOWN
TENANT #1; UNKNOWN TENANT #2,

Defendant(s).

IN REM FINAL JUDGMENT OF FORECLOSURE

THIS action was heard before the Court at trial on March 2, 2018. On the evidence presented,

IT IS ORDERED AND ADJUDGED that Judgement is GRANTED in favor of the Plaintiff, and against the Defendants, PATRICK BRUEGGEMAN A/K/A PATRICK K. RUEGGEMAN; SIGNORELLA BRUEGGEMAN A/K/A SIGNORELLA A. BRUEGGEMAN; ALL UNKNOWN PARTIES CLAIMING INTERESTS BY, THROUGH, UNDER OR AGAINST A NAMED DEFENDANT TO THIS ACTION, OR HAVING OR CLAIMING TO

HAVE ANY RIGHT, TITLE OR INTEREST IN THE PROPERTY HEREIN DESCRIBED.

1. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2004-HYB7, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2004-HYB7, 55 Beattie Place, Greenville, SC 29601, is due:

Principal Balance		\$625,826.00
Interest at 2.75% to 3/2/18		\$55,515.18
Escrow Balance at Loan Transfer		(\$1,360.74)
Pre-accelerated Late Charges		\$1,055.67
Insurance		\$14,781.66
Taxes		\$19,540.72
Corporate Advances		\$9,775.82
Court Costs	\$3,045.82	
BPO/Appraisal Fee	\$95.00	
Property Inspection	\$275.00	
Lawn Maintenance	\$5,350.00	
Pool Work	\$540.00	
Securing	\$145.00	
Winterization	\$100.00	
Property Preservation	\$225.00	
	SUB-TOTAL	\$725,134.31
Attorneys' Fees: Kelley Kronenberg		\$11,608.50
CREDIT		(\$2,331.02)
	TOTAL	\$734,411.97

2. **Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of interest.

3. The Plaintiff holds a lien for the total sum-superior to all claims or estates of Defendant on the following-described property in Indian River County, Florida:

LOT 34 OF OCEANSIDE REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property Address: 2140 Sanford Court, Vero Beach, Florida 32963

4. **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 this Court shall sell the property at public sale on July 6, 2018, to the highest bidder for cash, except as prescribed in Paragraph 6, by electronic sale at <https://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**

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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.

5. 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, the Clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

6. 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 attorney's fees; fourth, the total sum due to Plaintiff, less the item paid, plus interest at the rate prescribed in Paragraph 1 from this date to the date of the sale; and by retaining any amount remaining pending the further Order of this court.

7. 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 right under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person on the certificate of title shall be let into possession of the property.

8. The court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, *orders authorizing writs of possession and an award of attorney's fees, to enter deficiency judgments if the borrower has not been discharged in bankruptcy, and to enforce the adequate protection ordered, if applicable.* **This Court specifically reserves jurisdiction to re-open this matter for the purposes of re-foreclosing against unnamed or unintentionally omitted Defendants should this court deem it proper, upon proper motion by a party.**

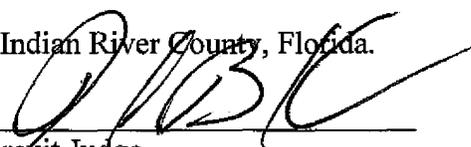
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM 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 32960, (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, INC., 121 NORTH 2ND STREET, 4TH FLOOR, FT. 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, 121 NORTH 2ND STREET, 4TH FLOOR, FT. PIERCE, FL 34950, (772) 466-4766 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

“The court retains jurisdiction in this matter to address any issues of entitlement, rights or obligations under Chapters 718 and 720, Florida Statutes, of the parties to this action, their successors or assignees.”

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



Circuit Judge

Copies furnished to:

Farheen Jahangir, Esquire, Kelley Kronenberg, 8201 Peters Road, Suite 4000, Fort Lauderdale, FL 33324, ftlrealprop@kelleykronenberg.com; fjahangir@kelleykronenberg.com;

Jarad Gibson, Esquire, Law Offices of George Castrataro, P.A., 707 NE 3rd Avenue, Suite 300, Fort Lauderdale, FL 33304, pleadings@lawgc.com; jarad@lawgc.com.

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