

Filing # 72564964 E-Filed 05/23/2018 01:48:51 PM

IN THE CIRCUIT COURT OF THE 19<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
INDIAN RIVER COUNTY, FLORIDA

CIVIL DIVISION

TRANSCAPITAL BANK,  
a Florida banking corporation,

CASE NO.: 312018CA000087XXXXXX

Plaintiff,

vs.

HORIZON TRUST COMPANY, a New  
Mexico Corporation, et al.,

Defendants.

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**FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the court on May 23, 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=s Motion for  
Summary Judgment is granted.

2. **Amounts Due.** Plaintiff, Transcapital Bank, 8850 West Oakland Park Blvd., Sunrise,  
FL 33351, is due:

Principal	\$41,590.37
Interest on the note and mortgage to 11/3/17	\$ 167.71
Per diem interest at 18% from 11/4/17 to 5/23/18	\$ 4,143.02
Late Charges	\$ 23.48
Title Search Expense	\$ 125.00
Taxes	\$
Insurance Premiums	\$
Attorney=s Fees - Flat Fee	\$ 1,500.00
Finding as to reasonable number of hours	_____
Finding as to reasonable hourly rate	_____
Attorneys= Fees Total	\$ _____

Court Costs	
Filing Fee	\$ 495.00
Service of Process at \$55.00 per Defendant	
Out of State \$160.00 per Defendant	\$ 435.00
Publication for [reason]	\$
Additional Costs	
[list separately]	\$
Subtotal (if applicable)	\$
LESS: Escrow Balance	(\$ 40.35)
LESS: Unearned insurance premiums	\$
LESS: Other [describe]	\$
TOTAL	\$48,439.23

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:

UNIT 101, OF THE PINES OF VERO, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 2111, PAGE 1989, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, AND ALL AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

Property Address: 4141 16<sup>th</sup> Street, #101, 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 this court shall sell the property at public sale on June 27, 2018 to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at [www.indian-river.realforeclose.com](http://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 cancelling 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 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 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 names 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.** 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 ACTION, 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 COUNTY CLERK OF COURT, 2000 16<sup>TH</sup> AVENUE, VERO BEACH, FL 32960, PHONE:**

**(772) 770-5185, WITHIN 10 DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THEY 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 SERVICE - FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FLORIDA 34948, (772) 466-4776, 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 SERVICE - FORT PIERCE OFFICE , (772) 466-4776, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

DONE AND ORDERED on 23rd day of May, 2018



PAUL B. KANAREK  
CIRCUIT COURT JUDGE

Copies furnished by e-portal to:

Stuart M. Gold [[sgold@swglawyers.com](mailto:sgold@swglawyers.com)]

Wayne R. Comment, Esq. [[CityAttorney@Covb.org](mailto:CityAttorney@Covb.org)] and [[Wcomment@Covb.org](mailto:Wcomment@Covb.org)]

Stefanie A. Beskovoyne, Esq., [[Sbeskovoyne@Covb.org](mailto:Sbeskovoyne@Covb.org)]

Plaintiff=s counsel shall serve paper copies on all Defendants not otherwise served by U.S. Mail to:

Horizon Trust Company  
c/o Northwest Registered Agent, Reg. Agent  
530-B Harkle Road, Suite 100  
Santa FE, NM 87505

Complete Electric, Inc.  
c/o Garrett P. Guidroz, Reg. Agent  
637 Sebastian Blvd.  
Sebastian, FL 32958

The Pines of Vero Condo Assoc. Inc.  
c/o Cheng Huang, Reg. Agent  
16806 SW 51 Street  
Miramar, FL 33027

Dan Tennis Roofing, Inc.  
c/o Dan Tennis, Reg. Agent  
2511 NW 53 Street  
Tamarac, FL 33309