

Filing # 76957086 E-Filed 08/24/2018 02:05:01 PM

**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.: 31-2018-CA-000013  
DIVISION:**

**VS.**

**GEORGE S. HORVOT A/K/A GEORGE HORVOT; ELEANOR L. HORVOT A/K/A  
ELEANOR HORVOT A/K/A ELEANOR LORETTA NEWMAN A/K/A ELEANOR L.  
NEWMAN; CHRISTOPHER GRAEVE, AS TRUSTEE OF THE 1805 12TH ST  
PRODIGY LAND TRUST; PNC BANK, NATIONAL ASSOCIATION; UNKNOWN  
BENEFICIARIES OF THE 1805 12TH ST PRODIGY LAND TRUST; 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).**

---

**FINAL JUDGMENT OF FORECLOSURE**

This Action was heard before the Court on August 24, 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. **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 \$70,769.12. In accordance with section 28.241(1)(a)2.c., Florida Statutes , the Court identifies the actual value of the claim to be \$164,474.79, 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 Trust, N.A., as Trustee for LSF9 Master Participation Trust located at 13801 Wireless Way, Oklahoma City, OK 73134, is due:

**Principal**

	<b>\$70,769.12</b>
Interest on the note and mortgage from February 1, 2013 to August 24, 2018	\$27,558.28
Escrow Balance	\$35,852.03
Attorney's Flat Fee	\$3,450.00

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	\$ 998.50
Service of Process	\$871.30
Notice of Action Publication	\$ 405.90

**Additional Costs:**

Property Inspections	\$802.00
Property Preservation	\$22,805.83
BPO	\$321.00
Late Charges	\$640.83

**GRAND TOTAL** **\$164,474.79**

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:

**THE EAST 1/2 OF THE FOLLOWING DESCRIBED PROPERTY:**

FROM A POINT OF BEGINNING BEING 515 FEET WEST AND 60 FEET SOUTH OF THE NORTHEAST CORNER OF TRACT 10, SECTION 11, TOWNSHIP 33 SOUTH, RANGE 39 EAST, SAID POINT OF BEGINNING ALSO BEING 40 FEET NORTH OF THE NORTHEAST CORNER OF LOT 6 OF SUN ACRES SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 54, INDIAN RIVER COUNTY PUBLIC RECORDS, ON THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 6; THENCE RUN SOUTH A DISTANCE OF 107.34 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6 BEING 115 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 6; THENCE RUN WEST ON A LINE PARALLEL TO AND 115 FEET NORTH OF THE SOUTH LINES OF LOTS 6 AND 7 OF SAID SUN ACRES SUBDIVISION A DISTANCE OF 305.04 FEET; THENCE RUN NORTH A DISTANCE OF 108.56 FEET TO A POINT 60 FEET SOUTH OF THE NORTH LINE OF SAID TRACT 10; THENCE RUN EAST ON A LINE PARALLEL TO AND 60 FEET SOUTH OF SAID NORTH LINE OF TRACT 10 A DISTANCE OF 305.06 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE WEST 120 FEET THEREOF.

**Property address: 1805 12TH ST, VERO BEACH, FL 32960**

6. **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 **September 28, 2018**, to the highest bidder for cash, except as prescribed in Paragraph 6 at <https://www.indian-river.realforeclose.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.

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 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 4 from this date to the date of the sale; and by retaining any remaining amount pending the further Order of this Court.

9. **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.

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, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

**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 Vero Beach, Indian River County, Florida on August 24, 2018.

  
\_\_\_\_\_  
Circuit Judge

Copies furnished by U.S. Mail to:

AC-17-022052

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

Christopher Graeve, as trustee of The 1805 12th St Prodigy Land Trust  
7741 N. Military Trail, Suite 1  
West Palm Beach, FL 33410

George S. Horvot a/k/a George Horvot  
12480 SW 7th Pl.  
Davie, FL 33325

Eleanor L. Horvot a/k/a Eleanor Horvot a/k/a Eleanor Loretta Newman a/k/a Eleanor L. Newman  
1440 26th Ct  
Vero Beach, FL 32962

PNC Bank, National Association  
c/o Legal Dept.  
6750 Miller Road  
Wilmington, OH 44141

Unknown Beneficiaries of The 1805 12th Street Prodigy Land Trust  
Address Unknown