

Filing # 77714030 E-Filed 09/11/2018 01:53:06 PM

IN THE COUNTY COURT  
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

VERO BEACH HIGHLANDS  
PROPERTY OWNERS' ASSOCIATION,  
INC., a Florida not for profit corporation,

Case No.: 312016CC000205  
Judge: Joe Wild

Plaintiff,

v.

LUIS ARQUIETA, UNKNOWN SPOUSE OF  
LUIS ARQUIETA, SANDRA ARMIDA ARQUIETA,  
UNKNOWN SPOUSE OF SANDRA ARMIDA ARQUIETA,  
UNKNOWN TENANT IN POSSESSION #1, AND  
UNKNOWN TENANT IN POSSESSION #2,

Defendants.

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**AMENDED FINAL JUDGMENT OF FORECLOSURE – IN REM**

This action was heard before the Court on Plaintiff's Motion to Amend Final Judgment and Reschedule Foreclosure Sale and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Motion Granted.** There is no dispute of material facts and Plaintiff is entitled to entry of Final Judgment.

2. **Amounts Due.** Plaintiff, VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION, INC., whose mailing address is 625 Highland Drive SW, Vero Beach, Florida 32962, is due:

Settlement Payments	\$ 864.35
Assessments (through December 1, 2017)	605.00
Interest (18%; through February 15, 2018)	55.79

Assessment (June 1, 2018)	151.25
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**Attorneys' Fees**

Finding as to reasonable number of attorney hours	
for Lisa R. Hamilton:	7.3
Finding as to reasonable hourly rate:	\$275.00
Finding as to reasonable number of legal assistant hours	
for Nikol Martin:	1.5

Finding as to reasonable hourly rate:	\$100.00	2,157.50
<b>Additional Attorneys' Fees</b>		
Finding as to reasonable number of attorney hours for Lisa R. Hamilton:	8.2	
Finding as to reasonable hourly rate:	\$275.00	
Finding as to reasonable number of legal assistant hours for Lisa Hahn:	1.3	
Finding as to reasonable hourly rate:	\$125.00	2,417.50
<b>Court Costs</b>		
Expert Report and Affidavit Fee		200.00
Other Collection Costs (postage, photocopies, research, courier, etc.)		95.09
<b>Additional Costs</b>		
Reopen Filing Fee		51.50
Publication Fee (for cancelled sale)		244.20
Expert Second Report and Affidavit Fee		200.00
Other Collection Costs (postage, photocopies, research, courier, etc.)		60.08
<b>TOTAL:</b>		<b>\$7,102.26</b>

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 Defendants, (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:

Lot 6, Block 117, Vero Beach Highlands, Unit Five according to the Plat thereof recorded in Plat Book 8, Page 56, Public Records of Indian River County, Florida.

Property Address: 1092 25<sup>th</sup> Street SW, Vero Beach, Florida 32962.

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 October 23, 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 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 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 the 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 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.** 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. However, due to the Defendants' bankruptcy discharge, the Court shall not enter a deficiency judgment.

**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, 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., (888)582-3410, 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, INC., (888)582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

DONE AND ORDERED in Vero Beach, Florida, Indian River County, Florida, this 11<sup>th</sup> day of September, 2018.

09/11/2018 13:16:49

eSigned by JOE WILD, 09/11/2018 13:16:49 Pgt.10cig...

JOE WILD  
County Court Judge

Copies Furnished to:

Lisa R. Hamilton, Esq., McKinnon & Hamilton, PLLC, 3055 Cardinal Drive, Suite 302, Vero Beach, Florida 32963;

Luis Arquieta, 1092 25<sup>th</sup> Street SW, Vero Beach, Florida 32962; and

Sandra Armida Arquieta, 1092 25<sup>th</sup> Street SW, Vero Beach, Florida 32962.