

Filing # 81167322 E-Filed 11/26/2018 10:02:24 AM

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

WILMINGTON SAVINGS FUND SOCIETY,  
FSB, AS OWNER TRUSTEE OF THE  
RESIDENTIAL CREDIT OPPORTUNITIES  
TRUST V-B, as substituted Plaintiff for  
PROF-2013-S3 Legal Title Trust II, By U.S.  
Bank National Association, As Legal Title  
Trustee, Plaintiff,  
vs.

JOHN W. BOBO III A/K/A JOHN BOBO; et  
al.,

Defendants.

CASE NO. 2018-CA-000307

312018CA000307XXXXXX

\_\_\_\_\_/ **FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the court on November 26, 2018 and on the evidence 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's Motion For Summary Judgment is granted.

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 \$262,746.61. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$272,684.92, 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 owned is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. **Amounts Due.** Substituted Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-B, 3020 Old Ranch Parkway, Suite 180, Seal Beach CA 90740, is due:

Principal	\$250,860.96
Interest on the note and mortgage from <b>9/1/16</b> to <b>10/12/18</b>	
	\$14,832.40
Per diem interest at \$19.49 from <b>10/13/18</b> to <b>11/26/18</b>	
Title search expense	\$857.56
Attorneys' fees	\$295.00
Finding as to reasonable number of hours: 11.70	
Finding as to reasonable hourly rate: \$205.00	
Other*	
*(The requested attorney's fee is a <b>flat rate fee</b> 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.)	
Attorneys' fees total	\$3,450.00
Court costs	
Filing fee	\$1,914.50
Service of Process	\$405.00
Issue Summons Fee	\$64.50
Recording Fee	\$5.00
<b>TOTAL</b>	<b>\$272,684.92</b>

4. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.

5. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants, JOHN W. BOBO III a/k/a JOHN BOBO; TORRIE A. BOBO a/k/a TORRIE BOBO; GEICO GENERAL INSURANCE COMPANY AS SUBROGEE OF NANCY SCHNELL, (with the exception of any assessments that are superior pursuant to Section 7.18.116, or 720.3085, Florida Statutes) on the following described property in **Indian River** County, Florida:

**LOT 3, BLOCK Z, PARADISE PARK, UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 77, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

**Property address: 2440 89<sup>th</sup> Court, Vero Beach, Florida 32966**

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 this court shall sell the property at public sale on **January 10, 2019** to the highest bidder for cash, except as prescribed in paragraph 7, by electronic sale at **By electronic sale beginning at 10:00 a.m. in accordance with section 45.031, Florida Statutes.**

# **[Indian River] [www.indian-river.realforeclose.com](http://www.indian-river.realforeclose.com)**

By electronic sale 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, and shall proceed regardless of whether plaintiff, a plaintiff's representative, or plaintiff's counsel is present. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. five 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 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.

9. **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.

10. **Right of Possession.** Upon the 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 of 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.

12. Plaintiff's Judgment shall be assignable without Order of Court, and any assignee of Plaintiff's Judgment and/or right to bid shall be vested with the same rights, and subject to the same terms and conditions, as is the Plaintiff under this Final Judgment Order.

**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, 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., 200 S INDIAN RIVER DRIVE, SUITE 101, FT. PIERCE, FL 34948, PHONE: (561) 466-4766 OR FLORIDA IMMIGRANT ADVOCACY CENTER, 131B N. SECOND STREET, FORT PIERCE, FL 34950, (561) 489-4660 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., PHONE: (561) 466-4766 OR FLORIDA IMMIGRANT ADVOCACY CENTER, PHONE, (561) 489-4660 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

**DONE AND ORDERED** at Vero Beach, Indian River County, Florida on this 26th day of November, 2018.



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PAUL B. KANAREK  
Circuit Judge

Copies Furnished by U.S. Mail to:

Daniel S. Mandel, Esq., [servicesmandel@gmail.com](mailto:servicesmandel@gmail.com)  
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