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INDIAN RIVER COUNTY, FLORIDA

FOR

312018CA000522XXXXXX

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

Plaintiff(s),

CASE NO.: 2018 CA 000522

v.

FOUNTAINHEAD GARDEN VILLAS & PENTHOUSES ASSOCIATION, INC.; RICHARD L. FISHER; KATHLEEN S. FISHER; THE UNKNOWN SPOUSE OF RICHARD L. FISHER N/K/A ELY FISHER N/K/A ELY BENNY FISHER N/K/A ELY FISHER; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, OR 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, GRANTEEES, OR OTHER CLAIMANTS; UNKNOWN TENANT(S) whose name is fictitious to account for parties in possession

Defendant(s)

**FINAL JUDGMENT OF FORECLOSURE AND TO ENFORCE LOST NOTE DOCUMENT**

This action was heard before the court on **January 29, 2019** 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'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 **\$278,588.59**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$306,629.92**, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that required 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, **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, 7255 Baymeadows Way, Jacksonville, FL 32256**, is due:

Principal	\$ 199,992.98
Interest on the note and mortgage from 12/20/2008 to 11/30/2018	\$ 83,326.96
Per diem interest at 0% (\$ 30.96 per day), from 12/01/2018 to 01/29/2019	\$ 1,857.60
Title search expense	\$400.00
Taxes	\$13,778.70
Hazard Insurance	\$0.00

Attorneys' fees	
Finding as to reasonable flat fee	\$3,650.00
Additional Attorney Fees	\$0.00
Attorneys' fees total	\$3,650.00
Court Costs:	
Filing Fee	\$1,983.50
Service of Process at \$55.00 per defendant	\$330.00
Out of State Services	\$530.00
Additional Costs:	
Late Charges	\$193.38
HOA Search	\$15.00
Notice of Action/Publication	\$481.80
Property Inspections	\$90.00
Subtotal (if applicable)	\$306,629.92
LESS: Escrow balance	\$0.00
LESS: Unearned insurance premiums	\$0.00
LESS: Other	\$0.00
<b>TOTAL</b>	<b>\$306,629.92</b>

4. **Interest.** The total amount in paragraph 2 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:  
**LYING AND BEING LOCATED IN THE CITY OF VERO BEACH, COUNTY OF INDIAN RIVER, STATE OF FLORIDA; ALL THAT CERTAIN PARCEL OR TRACT OF LAND KNOWN AS:**

**UNIT 103, BUILDING 8, PHASE IV, OF 'FOUNTAINHEAD GARDEN VILLAS & PENTHOUSES, A CONDOMINIUM', ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 1714, AT PAGE 653, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

Property address: 564 7TH SQUARE, APARTMENT 8-103  
VERO BEACH, FL 32962-1880

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 March 15, 2019, 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 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 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.
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 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.
12. **Assignment.** The Plaintiff may assign the judgment and/or credit bid by the filing of an assignment without further Order of the Court.
13. The Court finds that the Plaintiff has reestablished the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes. Plaintiff shall hold the Defendant maker of the note harmless and shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost note. Since adequate

protection is provided as required by Section 673.3091, Florida Statutes, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note.

**[Any language which needs to be added to the final judgment shall be inserted at this point using paragraphs numbered sequentially beginning with paragraph 11]**

**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, (INSERT INFORMATION FOR APPLICABLE COURT) 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 (INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE NUMBER) 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 (FLRS-NAME OF LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE NUMBER) 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 29 day of Jan, 2019

  
\_\_\_\_\_  
[NAME] CIRCUIT JUDGE

Copies Furnished by e-portal to:  
(E-mail addresses)

Plaintiff's counsel shall serve paper copies on all Defendants not otherwise served by U.S. Mail to:[Distribution list]

**SERVICE LIST**  
CASE NO.: 2018 CA 000522

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KATHLEEN S. FISHER  
35 BRAMBLE BUSH DR  
FORESTDALE, MA 02644-1013

THE UNKNOWN SPOUSE OF RICHARD L. FISHER N/K/A ELY FISHER N/K/A ELY BENNY  
FISHER N/K/A ELY FISHER  
9 QUEENS WAY  
SANDWICH, MA 02563-2491

UNKNOWN TENANT(S)  
564 7TH SQUARE, APARTMENT 8-103  
VERO BEACH, FL 32962-1880

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