

Filing # 84716928 E-Filed 02/11/2019 01:09:18 PM

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

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION
MORTGAGE COMPANY ,

PLAINTIFF,

VS.

CASE NO.: 31-2018-CA-000423
DIVISION:

THE UNKNOWN HEIRS, DEVISEES, GRANTEEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES, OR OTHER CLAIMANTS CLAIMING BY, THROUGH, UNDER, OR AGAINST, ELSIE R. MCCARTHA, DECEASED; UNITED STATES OF AMERICA ACTING THROUGH SECRETARY OF HOUSING AND URBAN DEVELOPMENT; VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION; JAMES ALAN MCCARTHA, A POSSIBLE HEIR TO THE ESTATE OF THE ESTATE OF ELSIE R. MCCARTHA A/K/A ELSIE MCCARTHA, DECEASED; 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, GRANTEEES, 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 February 11, 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 \$97,094.15. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$141,118.70 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, Nationstar Mortgage LLC d/b/a Champion Mortgage Company located at 8950 Cypress Waters Blvd, Coppell, TX 75019, is due:

| | |
|--|---------------------|
| Principal | \$97,094.15 |
| Interest on the note and mortgage to December 31, 2018 | \$18,852.59 |
| Taxes | \$1,387.48 |
| Insurance Premiums | \$2,224.00 |
| Court Costs: | |
| Filing Fee | \$ 970.50 |
| Service of Process | \$350.00 |
| Death Search Fee | \$ 495.00 |
| Notice of Action Publication | \$ 343.20 |
| DC Recording | \$ 14.50 |
| Summons | \$ 10.00 |
| Additional Costs: | |
| Property Inspections | \$ 240.00 |
| MIP/PMI | \$7,934.36 |
| Service Fees | \$4,050.00 |
| Appraisal Fees | \$ 315.00 |
| Preservation Fees | \$6,837.92 |
| GRAND TOTAL | \$141,118.70 |

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:

LOT 6, BLOCK 2 OF "VERO BEACH HIGHLANDS UNIT ONE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGE 29, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 104 21ST STREET SE, VERO BEACH, FL 32962

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 3-13, 2019, 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. **Defendants' Right of Redemption shall be terminated upon issuance of the Certificate of Sale as prescribed by Florida Statute §45.0315 Florida Statutes; except for that of the United States of America, which has 365 days to redeem. If the USA is a defendant for any other reason (i.e. Federal Tax Lien, etc.) the redemption period is 120 days not 365.**

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

12. **Federal National Mortgage Association is the owner of the promissory note secured by the mortgage subject to this Final Judgment and the Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: orders granting additional attorney's fees and costs; writs of possession; orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to sections 718.116 or 720.3085 of the Florida Statutes; orders arising out of reforeclosure, to include permitting a supplemental complaint to add an interest-holder, and/or; orders involving reformation of the mortgage instrument or deed to perfect title.**

13. **A Guardian Ad Litem, Attorney ad Litem, and Administrator ad Litem is not required to be appointed to represent the interest of the Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or other claimants claiming by, through, under, or against ELSIE R. MCCARTHA, deceased, in the above-styled cause;**

14. **That service of process was properly completed as to the Defendant(s), Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or other claimants claiming by, through, under, or against ELSIE R. MCCARTHA, deceased, and therefore Plaintiff has met the requirements as set forth in Chapter 49, et. seq. Florida Statutes;**

15. **That as to Defendant(s) Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or other claimants claiming by, through, under, or against ELSIE R. MCCARTHA, that the interest of any party who failed to timely file a responsive pleading, to the assert any right, title and/or interest which may be**

claimed by such parties in the subject property being foreclosed herein, are hereby adjudicated as subordinate to that of the lien of Plaintiff's mortgage being foreclosed herein, and shall be forever barred and foreclosed of from all rights, title, interest, liens, or equity of redemption in and to said property and every part thereof.

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 Indian River County, Florida on 2-11,
2019

[Signature]
Circuit Judge

Copies furnished by U.S. Mail to:

AC-18-010642

Albertelli Law
P.O. Box 23028
Tampa, FL 33623
eService: servealaw@albertellilaw.com

The Unknown Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or other Claimants claiming by, through, under, or against, Elsie R. McCarthy, deceased
Address Unknown

James Alan McCarthy, a possible Heir to the Estate of the Estate of Elsie R. McCarthy a/k/a Elsie McCarthy, deceased
229 Turkey Run Road
Crawfordville, FL 32327

United States of America Acting through Secretary of Housing and Urban Development
c/o U.S. Attorney
99 N.E. 4th Street, 13th Floor
Miami, FL 33132
E-Serve: E-Serve 1: USAFLM.HUD.Disclaimers@usdoj.gov

RA 02/11/19

Vero Beach Highlands Property Owners' Association
c/o Kimberly Beattie, R.A.
625 Highland Drive SW
Vero Beach, FL 32962