

Filing # 91632133 E-Filed 06/25/2019 01:00:43 PM

**IN THE CIRCUIT COURT FOR THE
NINETEENTH JUDICIAL CIRCUIT IN AND
FOR INDIAN RIVER COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

**THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
THE CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-13**

Plaintiff(s),

vs.

CASE NO.: 2018 CA 000251

312018CA000251XXXXXX

**THE UNKNOWN HEIRS, DEVISEES,
BENEFICIARIES, GRANTEES, ASSIGNS,
CREDITORS, LIENORS, AND TRUSTEES OF
ERMA C. ANDERSON, DECEASED, AND ALL
OTHER PERSONS CLAIMING BY,
THROUGH, UNDER, AND AGAINST THE
NAMED DEFENDANTS; GEORGE E.
CRUMBLY, JR.; LOUIS DAVIS CRUMBLY
AKA DAVE CRUMBLY; STEVEN CRUMBLY;
LISA SCHLAGEL; JOHN O'NEAL; VISTA
PLANTATION ASSOCIATION, INC.;
HOUSEHOLD FINANCE CORPORATION III**

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the Court on **June 25, 2019** and on the evidence presented
and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Motion Granted [or] Final Judgment.** There is no dispute of material facts and Plaintiff's Motion for Summary Judgment is Granted [or] Plaintiff is entitled to entry of final judgment [or] The parties have consented to entry of this final judgment.
2. **Amounts Due.** Plaintiff, **The Bank of New York Mellon FKA The Bank of New York as Trustee for the Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-13**, whose address is 345 St. Peter Street, 1100 Landmark Towers, St. Paul, MN 55102, is due:

Principal:		\$114,762.98
Accrued interest from 06/01/2016 to 06/25/2019		
At the current per diem rate of \$18.551:		\$20,758.22
Property inspection:		\$380.00
Property appraisal:		\$175.00
Escrow Balance:		
Taxes:	\$1,169.26	
Total Escrow Balance:		\$1,169.26

Attorneys' Fees:

Finding as to reasonable number of hours	4.78	
Finding as to reasonable hourly rate	\$215.00	\$1,027.70
Foreclosure Flat Fee:		\$3,450.00

Court Costs,:

Filing fee		\$997.74
Service of Process	:	\$1,293.90
Summons:		\$79.70

Notice of Action:	\$376.20	
Guardian Ad Litem:	\$500.00	
Recording Fee:	\$35.50	
Death Certificate:	\$10.00	
Court Costs Total:		\$3,293.04

TOTAL **\$145,016.20**

3. **Interest.** The total amount in paragraph 2 shall bear interest at the legal rate, which was 6.57%% per annum as of April 1st, 2019.
4. **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, FL:

Unit No. 101, of Bldg. No. 29, of VISTA PLANTATION, a Condominium according to the Declaration of Condominium as recorded in Official Records Book 699, Page 1817, and any amendments thereto, together with an undivided interest or share in the common elements appurtenant thereto, of the Public Records of Indian River County, Florida..

Property address: 29 Plantation Drive, Unit 101, Vero Beach, FL 32966

5. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the subject property at public sale on July 25, 2019, to the highest bidder for cash, except as prescribed in paragraph 6,:

_____ at the courthouse located at 2000 16th Avenue, Vero Beach, FL 32960 in Indian River County in Vero Beach, Florida, beginning at 10:00 AM

_____ by electronic sale at at www.indianriver.realforeclose.com beginning at 10:00 AM

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 cancelling 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 not 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.

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 the 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 3 from this date to the date of 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 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 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, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

11. Plaintiff incurred attorneys' fees during the prosecution of this action, but has chosen to forego having the court include said fees in the final judgment. Therefore, the Court renders no opinion as to the reasonableness of the fees and make no provision for said fees in this final judgment.
12. If Proceeds are to be distributed to Plaintiff or Plaintiff's Counsel, the Clerk is authorized to issue a single check made payable to counsel for Plaintiff.
13. **If the Plaintiff is the purchaser at the sale, the Plaintiff may assign its bid to a third party assignee by recording and filing an Assignment of Bid and the Clerk of Court is hereby directed to issue a Certificate of Title to the assignee named therein.**
14. Notwithstanding the foregoing, the rights of any condominium or homeowners' association to collect unpaid assessments from any subsequent title holder, including the first mortgage holder, shall be preserved and shall be governed as provided in Section 718.116 and 720.3085, Florida Statutes, subject to limitations as set-forth in *Coral Lakes Community Association, Inc. v. Busey Bank, N.A.*, 30 So. 3d 579 (Fla. 2d DCA 2010).
15. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments, re-foreclosure or a supplemental complaint to add an omitted party post-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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (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 FOR INDIAN RIVER COUNTY, TELEPHONE: (772) 770-5185, 2000 16TH AVENUE, VERO BEACH, FL 32960, 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, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 34950, 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.

DONE and ORDERED on 6-25-19 at (city), Florida.


Circuit Court Judge

Copies furnished by e-portal to: See Attached Service List

Plaintiff's counsel shall serve paper copies on all Defendants not otherwise served by U.S. Mail to: See Attached Service List

SERVICE LIST FOR FINAL JUDGMENT OF FORECLOSURE
(Indian River County Case No.: 2018 CA 000251)

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Sean T. Desmond, Esq. (Guardian Ad Litem for The Unknown Heirs, Devisees, Beneficiaries, Grantees, Assigns, Creditors, Lienors, and Trustees of Erma C. Anderson, deceased, and all other persons claiming by, through, under, and against the named defendants)

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