

Filing # 96627362 E-Filed 10/02/2019 02:06:16 PM

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

QUICKEN LOANS, INC.,

312018CA000870XXXXXX

Plaintiff,

CASE NO.: 2018-CA-000870

vs.

SCOTT CONLEY; et al.,

Defendants.

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on September 26, 2019 and on the evidence presented, and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** 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 **\$452,714.10**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$452,714.10** 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, **QUICKEN LOANS, INC.**, is due:

Unpaid Principal Balance on the Note and Mortgage:	\$422,042.12
Accrued interest to 07/19/19	\$21,810.77
Accrued interest from 07/20/19 to 09/26/19 (Per Diem \$49.14)	3,390.66
Pro Rata MIP/PMI:	\$367.30
Late Charges:	\$833.92
Hazard Insurance	\$452.09
Mortgage Insurance:	\$1,101.90
Property Inspection:	\$146.00

Matter # 124608
Case No.: 2018-CA-000870

SUBTOTAL	\$450,144.76
-----------------	---------------------

Additional Costs:

Clerk's Filing Fee	\$1,965.00
Title Search	\$200.00
Provest LLC	\$260.00

SUBTOTAL	\$452,569.76
-----------------	---------------------

Attorney flat fee	\$2,320.00
Attorney fees 0.9 hours at \$275.00 per hour	\$247.50
Attorney fees 4.5 hours at \$215.00 per hour	\$967.50

GRAND TOTAL	\$456,104.76
--------------------	---------------------

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.
4. **Lien on Property.** Plaintiff who holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and 720.3085. The Plaintiff's lien is determined to be a first mortgage lien. The plaintiff's lien encumbers the subject property located in Indian River County, Florida and described as:

THE SOUTH 405 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

WEST 20.59 ACRES OF TRACT 6, SECTION 29, TOWNSHIP 33 SOUTH, RANGE 39 EAST, AS THE SAME IS DESIGNATED ON THE LAST GENERAL PLAT OF LANDS OF INDIAN RIVER FARMS COMPANY AS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 25; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 30 FEET AND LESS AND EXCEPT THE WEST 60 FEET.

Property Address: 6350 13th Street South West, Vero Beach, FL 32968

5. **Sale of Property.** If the total sum with interest at the rate prescribed by law and all costs of this action accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale to the highest bidder for cash, except as set forth

hereinafter, on 1-24-2020 at 10:00 a.m. Eastern Standard Time (EST) at <https://www.indian-river.realforeclose.com>, in accordance with Chapter 45, Florida Statutes.

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. If plaintiff is the purchaser, the Clerk shall credit plaintiff's bid with the total sum with 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 charged imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.
7. **Right of Redemption.** On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.
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 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.
9. **Right of Possession.** Upon filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.
10. **Attorney Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that reasonable 4.5 hours of litigation at \$215.00 per hour and 0.9 hours at \$275.00 per hour is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).
11. **NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA. ST. (2006)**

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 THIS 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, 2000 16TH AVENUE VERO BEACH, FL 32960, 772-770-5185, 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 TRANSFERING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT COMMUNITY LEGAL SERVICES OF FLORIDA EQUAL JUSTICE CENTER, 3210 CLEVELAND AVE, STE 102, FT. MYERS, FL 33901, 800-518-1716 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 COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC., YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. **Jurisdiction.** The Court retains jurisdiction of this action to enter further Orders that are proper, including without limitation, Orders authorizing writs of possession and an award of attorney's fees, and to enter a deficiency judgment if the Defendant has not been discharged in bankruptcy, supplemental complaints, and re-foreclosures.

DONE AND ORDERED in Chambers in Vero Beach, Indian River County, Florida, on this 26 day of Sept, 2019.


Circuit Judge

Copies furnished to all parties on service list:

SERVICE LIST

Sasha Haro, Esq.

Quintairos, Prieto, Wood & Boyer, P.A.

255 S. Orange Ave., Ste. 900

Orlando, FL 32801-3454

E-mail: servicecopies@qpwbllaw.com

Attorney for Plaintiff

Michael Alterman, Esq.

BLOCK & SCARPA

1515 Indian River Blvd., Suite A-220

Vero Beach, FL 32960

malterman@blockscarpa.com

Attorney for Defendants Scott Lewis Conley and Karolyn G. Conley