

Filing # 101194686 E-Filed 01/06/2020 04:41:40 PM

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

The Bank of New York Mellon, f/k/a The  
Bank of New York as successor in interest  
to JPMorgan Chase Bank, N.A. as Trustee  
for NovaStar Mortgage Funding Trust,  
Series 2005-1, NovaStar Home Equity  
Loan Asset-Backed Certificates, Series  
2005-1

Case No. 2017 CA 000634

312017CA000634XXXXXX

Plaintiff(s),

vs.

Sam William Tredenick a/k/a Sam  
Tredenick a/k/a Sam W. Tredenick;  
Unknown Spouse of Sam William  
Tredenick a/k/a Sam Tredenick a/k/a Sam  
W. Tredenick; The Laurels Community  
Association, Inc.; Unknown Beneficiaries  
of the Reuben W. Stewart Revocable  
Living Trust, dated February 21, 1990;  
Unknown Trustee of the Reuben W.  
Stewart Revocable Living Trust, dated  
February 21, 1990; First Financial  
Investment Fund I, LLC

Defendant(s).

CONSENT FINAL JUDGMENT OF FORECLOSURE

This action was heard before the Court on January 6, 2020 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 Final 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  
\$294,353.02. In accordance with 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual  
value of the claim to be \$548,520.81 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, The Bank of New York Mellon, f/k/a The Bank of New York as successor in interest to JPMorgan Chase Bank, N.A. as Trustee for NovaStar Mortgage Funding Trust, Series 2005-1, NovaStar Home Equity Loan Asset-Backed Certificates, Series 2005-1, 1661 Worthington Road, Suite 100, West Palm Beach, Florida 33409, is due:

Principal	\$294,353.02
Interest on the note and mortgage from 8/1/2012 to 01/06/2020	\$180,563.73
Late Charges	\$ 4,013.05
Title Search	\$ 300.00
Taxes for the year 2012	\$ 1,996.42
Taxes for the year 2013	\$ 2,052.56
Taxes for the year 2014	\$ 2,090.57
Taxes for the year 2015	\$ 3,226.44
Taxes for the year 2016	\$ 3,661.16
Taxes for the year 2017	\$ 3,930.81
Taxes for the year 2018	\$ 4,171.62
Taxes for the year 2019	\$ 4,513.62
Insurance disbursements	\$ 30,568.91
Attorneys' fees	
Finding as to reasonable number of Attorney's hours: 15.8	
Finding as to reasonable Attorney's hourly rate: \$215.00	
Finding as to reasonable number of Paralegal's hours: 8	
Finding as to reasonable Paralegal's hourly rate: \$85.00	
Flat Fee*: \$3,235.00	

(\*The requested attorney's fee is a flat rate fee 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	\$ 7,312.00
Court costs	
Complaint Filing fee	\$ 1,990.50
Service of Process	\$ 1,832.60
Publication for <b>Notice of Action</b>	\$ 267.30
Expert Affidavit	\$ 28.00

Additional Costs	
Property valuation/BPO	\$ 580.50
Property Inspection fee	\$ 1,103.50
Property preservation	\$ 170.00
Subtotal	\$548,726.31
LESS: Insurance Credit	(\$205.50)
<b>TOTAL</b>	<b>\$ 548,520.81</b>

4. **Interest.** The total amount in paragraph 3 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 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 78, THE LAURELS SUBDIVISION-PHASE III AND IV, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 42, 42A AND 42B, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 4085 9th Place, Vero Beach, FL 32960

**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 no sooner than 120 days on May 5, 2020, to the highest bidder for cash, except as prescribed in paragraph 7, 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 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 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 the 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.

**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.**

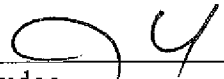
**IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**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, ATTN: CIVIL DEPT., ROOM 136, 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, MONDAY THROUGH FRIDAY AT 1-888-582-3410 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 AT 1-888-582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

DONE AND ORDERED on 1-6-20 at Vero Beach, Florida.

  
Circuit Judge

Copies Furnished by U.S. Mail to:

Jarret Berfond, Esq.  
Brock & Scott, PLLC  
Attorney for Plaintiff  
2001 NW 64th Street, Suite 130  
Fort Lauderdale, FL 33309

Sam William Tredenick a/k/a Sam Tredenick a/k/a Sam W. Tredenick  
c/o Michael G. Kissner, Jr., Esq.  
1515 Indian River Boulevard, Suite A-220  
Vero Beach, FL 32960  
mkissner@blockscarpa.com; sprince@blockscarpa.com

Unknown Trustee of the Reuben W. Stewart Revocable Living Trust, dated February 21, 1990  
6412 55th Square  
Vero Beach, FL 32967

First Financial Investment Fund I, LLC  
c/o Robert Chalavoutis  
3091 Governors Lake Drive, Suite 500  
Norcross, GA 30071

Unknown Spouse of Sam William Tredenick a/k/a Sam Tredenick a/k/a Sam W. Tredenick  
4001 Faudree Rd, Apt G208  
Odessa, TX 79765

The Laurels Community Association, Inc.  
c/o Shaji Mathew, VP  
4025 9th Pl  
Vero Beach, FL 32960

Unknown Beneficiaries of the Reuben W. Stewart Revocable Living Trust, dated February 21,  
1990

NO LAST KNOWN ADDRESS

A copy of the served document may be obtained, on request, from the clerk of court or from the  
party serving the document.