

Filing # 101194634 E-Filed 01/06/2020 04:41:19 PM

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

CASE NO.: 2018 CA 000761 312018CA000761XXXXXX

PNC BANK, NATIONAL ASSOCIATION ,
Plaintiff,

VS.

JACQUELINE L. CAPORALE; VINCENT E
CAPORALE JR; PNC BANK, NATIONAL
ASSOCIATION, S/B/M INDIAN RIVER
NATIONAL BANK; FLORIDA HOUSING
FINANCE CORPORATION; UNKNOWN
TENANT 1; UNKNOWN TENANT 2,
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. **Final Judgment.** The plaintiff is entitled to entry of final judgment.
 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 **\$238,219.97**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$280,452.65**, 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
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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, PNC BANK, NATIONAL ASSOCIATION , 3232 Newmark Drive, Miamisburg, OH 45342, is due:

Principal		\$230,219.15
Interest from 8/01/2017 through 01/06/2020		\$16,785.56
Pre Acceleration Late Charges		\$121.55
Escrow Advance		\$13,792.95
Property Inspections		\$405.00
Property Preservation		\$10,275.00
Lawn Care	\$4,900.00	
Tarp or Repair	\$3,885.00	
Lock Box / Lock Change	\$300.00	
Gutter Clean/Rep.	\$145.00	
Trip Charge	\$245.00	
Property Maintenance	\$100.00	
Debris Removal	\$600.00	
Winterization Dry System	\$100.00	
Attorneys' Fees Total		\$5,725.00
Attorney's Foreclosure Fee	\$4,100.00	
Additional Attorney's Fees	\$525.00	
Attorney's Flat Rate Trial Fee	\$1,100.00	
Court costs (Title/Lien Search, Clerk's Filing Fee, Service)		\$2,128.44
First Class Mail	\$9.84	
Abstract Search Fee	\$250.00	
Additional LP - Over 4 Defendants	\$7.00	
Complaint Filing	\$905.00	
Florida eFiling Service Fee	\$5.00	
Lis Pendens	\$9.00	
Complaint - Issue Summons	\$60.00	
Service of Process	\$807.60	
Title Datedown	\$75.00	
Additional Filing Fees		\$1,000.00
TOTAL		\$280,452.65

4. **Interest.** The total amount in paragraph 3 shall bear interest from this date forward at the prevailing statutory rate of interest.

5. **Lien of Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), JACQUELINE L CAPORALE; VINCENT E CAPORALE JR; PNC BANK, NATIONAL ASSOCIATION, S/B/M INDIAN RIVER NATIONAL BANK; FLORIDA HOUSING FINANCE CORPORATION (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 and described as:

LOT 14, FLORIDA ACRES, ACCORDING TO THE SKETCH OF INFORMATION FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF INDIAN RIVER COUNTY, FLORIDA. IN OFFICIAL RECORD BOOK 110, PAGE 518, SAID LAND BEING MORE SPECIFICALLY DESCRIBED AND KNOWN AS THE SOUTH 160 FEET OF THE NORTH 510 FEET OF THE WEST 285 FEET OF THE EAST 20.82 ACRES OF TRACT 3, SECTION 15, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARM COMPANY FILED 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.

TOGETHER WITH A RIGHT OF WAY IN COMMON WITH OTHER PROPERTY OWNERS IN THE EAST 20.82 ACRES OF TRACT 3, SECTION 15, TOWNSHIP 33 SOUTH, RANGE 39 EAST. AS ABOVE DESCRIBED, OVER AND ALONG A STRIP OF LAND 60 FEET WIDE, SAID RIGHT OF WAY MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT 3, SECTION 15, TOWNSHIP 33 SOUTH , RANGE 39 EAST, RUN WEST ON THE SECTION LINE A DISTANCE OF 365.9 FEET TO A POINT WHICH IS THE CENTER LINE OF A STREET EASEMENT TO THE SOUTH BEING 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE; FROM SAID POINT RUN SOUTH AND PARALLEL TO THE EAST LINE OF SAID TRACT 3, A DISTANCE OF 1160 FEET TO A POINT, SAID POINT BEING A RADIUS POINT OF A CUL-DE-SAC HAVING A 50 FOOT RADIUS AND ALL LAND LYING WITHIN THE ABOVE DESCRIBED STREET EASEMENT, THUS BEING A 60 FOOT PRIVATE ROAD RUNNING FROM GLENDALE ROAD SOUTHERLY THROUGH THE APPROXIMATE MIDDLE OF THE PROPERTY

Property Address: 725 36TH AVENUE, VERO BEACH, FL 32968

6. **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 the Court shall sell the property at public sale on the 20 day of February, 2020 to the highest bidder for

cash, except as prescribed in Paragraph 7, by electronic sale at www.indian-river.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 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. **Attorneys' Fees.** The court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the plaintiff that the flat fee of \$5,725.00, consisting of \$4,100.00 for a standard foreclosure and \$1,625.00 in additional flat attorney's fees is reasonable and appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to *Florida Patients Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985). (If the court has found that there are reduction or enhancement factors to be applied, then such factors must be identified and explained herein).

8. **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.

9. **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 attorney's fees; fourth, the total sum due to plaintiff, less the item 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.

10. **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 property, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.

11. **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.

12. **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.

13. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, orders relating to supplemental proceedings to address any omitted parties who may possess an interest in the property. Jurisdiction of this action is further retained to allow Plaintiff to file post-judgment motions seeking a determination on the amounts of assessments due to any Associations under §718.116 and §720.3085, Fla. Stat.

14. The Plaintiff may assign the Judgment and credit bid by the filing of an assignment prior to the issuance of the Certificate of Title without further order of the Court.

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 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 FOR YOUR COUNTY 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.

Indian River County Clerk of Court
2000 16th Avenue Vero Beach, FL 32960 (772) 770-5185 http://www.circuit19.org/

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 6 day of July, 2022 at , Florida.


Circuit Court Judge

Copies furnished by e-portal to:

Copies Furnished to:

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