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

HAMMOCK LAKES HOMEOWNERS' ASSOCIATION, INC.,  
A FLORIDA NOT FOR PROFIT CORPORATION,

PLAINTIFF,

V.

CASE NO.

312019CA000687XXXXXX

RICHARD R. GINGRAS; UNKNOWN SPOUSE OF  
RICHARD R. GINGRAS; UNKNOWN TENANT #1 IN  
POSSESSION OF SUBJECT PROPERTY AND UNKNOWN  
TENANT #2 IN POSSESSION OF SUBJECT PROPERTY, ET  
AL.

DEFENDANTS.

**FINAL SUMMARY JUDGMENT OF FORECLOSURE**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Final Judgment on. On the evidence presented,

**IT IS ORDERED AND ADJUDGED that:**

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over Defendant: RICHARD R. GINGRAS.
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 \$712.29. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$6,384.04, 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.

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3. **Amounts Due.** There is due and owing to the Plaintiff HAMMOCK LAKES HOMEOWNERS' ASSOCIATION, INC. the sum of money as hereinafter set forth:

a. Principal through 11/27/2019	\$ 1,100.00
b. Other charges through 11/27/2019	\$ 15.00
c. Interest through 11/27/2019 on said principal	\$ 129.97
d. Certified/Registered Mail, Return Receipt Requested	\$5.91
e. Certified/Registered Mail, Return Receipt Requested	\$5.91
f. Cost of Placing and Releasing Lien	\$26.00
g. Deed Search	\$3.25
h. Clerk Auction Fee	\$70.00
i. Court Filing Fee	\$540.00
j. Documentary Stamps (estimated)	\$50.00
k. Expert Witness Fee	\$50.00
l. Foreclosure Title Report	\$65.00
m. Online Sale Fee	\$70.00
n. Publication of Sale (estimated)	\$450.00
o. Service of Process	\$160.00
p. Updated Foreclosure Title Report	\$3.00
<b>TOTAL COSTS:</b>	<b>\$ 1,499.07</b>

**SUB-TOTAL** **\$ 2,744.04**

Attorney's fees \$ 3,640.00  
 Finding as to reasonable number of hours: 20.80  
 Finding as to reasonable hourly rate: \$175.00

**TOTAL** **\$ 6,384.04**

4. **Interest.** The total amount referenced in Paragraph 3 shall bear the highest post-judgment interest rate allowable by law.
5. **Lien on Property.** Plaintiff, whose address is Hammock Lakes Homeowners' Association, Inc., c/o Elliott Merrill Community Management, 825 20th Place, Vero Beach, FL 32960 holds a lien for the total sum specified in Paragraph 2 herein superior to all claims or estates of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants on the subject property located in property in Indian River County, Florida and described as:

**Lot 188, HAMMOCK LAKES, PHASE I, according to the Plat  
 thereof as recorded in Plat Book 15, Pages 10, 10A through 10C,**

**Public Records of Indian River County, Florida.****A/K/A: 155 56th Drive SW, 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 subject property at public sale on January 27, 2020, to the highest bidder for cash, except as prescribed in Paragraph 6, in accordance with section 45.031, Florida Statutes, using the following method:

[X] by electronic sale at [www.indian-river.realforeclose.com](http://www.indian-river.realforeclose.com) beginning at 10:00 a.m., after having first given notice as required by 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. 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 office.

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, 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.
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 3 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

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9. **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.
10. **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. An Order Granting the Motion for Writ of Possession shall be entered without further notice of hearing, subject to the purchaser's compliance with Section 83.561 Florida Statutes.
11. **Attorney Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 20.80 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$175.00 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).
12. **Retained Jurisdiction.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, writs of possession and for an order reopening the case to allow the Plaintiff to foreclose on any party not named in the original complaint.
13. **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 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 THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. 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


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THE COURT, INDIAN RIVER COUNTY COURTHOUSE, P.O. BOX 1028, VERO BEACH, FL 32961, 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 THE FLORIDA RURAL LEGAL SERVICES, 510 SOUTH US HWY 1, SUITE 1 FORT PIERCE, FL 34948, (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 THE COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

**DONE AND ORDERED** in Open Court/Chambers in Indian River County, Florida, this

10 day of January.

  
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Circuit Judge

**Copies served to:**

BECKER & POLIAKOFF, P.A.

Attorneys for Plaintiff

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