

Filing # 112728136 E-Filed 09/01/2020 03:55:21 PM

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

PINGORA LOAN SERVICING, LLC
Plaintiff(s),

312019CA000809XXXXXX
CASE NO.: 2019 CA 000809

v.

THE UNKNOWN HEIRS OR BENEFICIARIES OF THE ESTATE OF PATRICIA J.
CHARLTON-SHACKLETON , DECEASED; THE OAKS OF VERO HOMEOWNERS
ASSOCIATION, INC.; CHRISTIAN ANDREW SHACKLETON A/K/A CHRISTIAN A.
SHACKLETON; CHARLTON RICHARD SHACKLETON; ANY AND ALL UNKNOWN
PARTIES CLAIMING BY, THROUGH, UNDER, OR AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE,
WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES,
HEIRS, DEVEISEES, GRANTEES, OR OTHER CLAIMANTS
Defendant(s)

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on August 28, 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 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 **\$223,284.77**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$255,438.70**, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that required 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, **PINGORA LOAN SERVICING, LLC, 425 PHILLIPS BLVD, EWING, NJ 08618-1430**, is due:

Principal

\$ 217,559.12

Interest on the note and mortgage from 02/01/2019 to 07/12/2020	\$ 13,770.91
Per diem interest at 4.375% (\$ 26.08 per day), from 07/13/2020 to 08/28/2020	\$ 1,225.76
Title search expense	\$400.00
Taxes	\$2,787.07
Hazard Insurance	\$3,951.10
 Attorneys' fees	
Finding as to reasonable flat fee	\$4,200.00
Additional Attorney Fees	\$730.00
Attorneys' fees total	\$4,930.00
 Court Costs:	
Filing Fee	\$1,114.50
Service of Process at \$62.00 per defendant	\$310.00
Out of State Services	\$250.00
 Additional Costs:	
Late Charges	\$278.95
Court Mandated Affidavit	\$10.00
Guardian Ad Litem	\$500.00
Heir Search	\$270.00
Notice of Action/Publication	\$265.00
Probate Costs	\$38.50
Property Inspections	\$210.00
Property Preservation	\$7,567.79
 Subtotal (if applicable)	\$255,438.70
LESS: Escrow balance	\$0.00

LESS: Unearned insurance premiums \$0.00

LESS: Other \$0.00

TOTAL \$255,438.70

4. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing statutory rate of interest.
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 29, "OAKS OF VERO" PD-PHASE 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE(S) 13 TO 15, INCLUSIVE, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 1370 WILLOW OAK COURT
 VERO BEACH, FL 32966-4739

6. **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 on **OCTOBER 27, 2020**, to the highest bidder for cash, except as prescribed in paragraph 6,; by electronic sale at 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 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. **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.

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 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 2 from this date to the date of the sale; and by retaining any remaining amount pending further order of this court.
9. **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.
10. **Right of Possession.** Upon 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.
11. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and such supplemental relief or judgments as may be appropriate.
12. **Assignment.** The Plaintiff may assign the judgment and/or credit bid by the filing of an assignment without further Order of the Court.
13. If, subsequent to the entry of Final Judgment and prior to the sale contemplated in paragraph 3 hereof, the Plaintiff has to advance money to protect its mortgage lien, including but not limited to post judgment advances for properly taxes and insurance, property preservation costs, post judgment attorney's fees and costs and post judgment bankruptcy fees and costs, the Plaintiff or its Attorneys shall certify by affidavit to the Clerk and the amount due to Plaintiff as shown in paragraph 1 above shall be increased by the amount of such advances for purposes of calculating Plaintiffs credit bid and redemption amount, upon 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 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 FOR INDIAN RIVER COUNTY, FLORIDA 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 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 NEAREST LEGAL AID OFFICE 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 ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Vero Beach, INDIAN RIVER County, Florida, on this _____ day of _____, 20____.

09/01/2020 15:54:48

eSigned by JANET CARNEY CROOM 09/01/2020 15:54:48 rZLMW9wm

JANET CARNEY CROOM
CIRCUIT COURT JUDGE

Copies Furnished by e-portal to:

Gilbert Garcia Group, P.A.

Attn: Michelle Garcia Gilbert, Esq.

emailservice@gilbertgrouplaw.com

Attorney for Defendant THE UNKNOWN HEIRS OR BENEFICIARIES OF THE ESTATE OF PATRICIA J. CHARLTON-SHACKLETON , DECEASED

MCKINNON & HAMILTON, PLLC

Attn: LISA R. HAMILTON, Esq.

Email: lhewmlaw@bellsouth.net

Attorney for Defendant THE OAKS OF VERO HOMEOWNERS ASSOCIATION, INC.

ALTERMAN & KOWAL, P.A.

Attn: MICHAEL J. ALTERMAN, Esq.

Email: altermankowal@gmail.com

Attorney for Defendant THE OAKS OF VERO HOMEOWNERS ASSOCIATION, INC.

PHELAN HALLINAN DIAMOND & JONES, PLLC

Service by Email: FL.Service@phelanhallinan.com

Attorney for Plaintiff

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

CHRISTIAN ANDREW SHACKLETON A/K/A CHRISTIAN A. SHACKLETON

513 MCKINLEY ST APT B

LAFAYETTE, LA 70503-2167

CHARLTON RICHARD SHACKLETON

48 HILDRETH RD

HARPSWELL, ME 04079-2824