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IN THE COUNTY COURT  
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

VISTA PLANTATION ASSOCIATION, INC.  
a Florida Not for Profit corporation,

Case No. 312020CC000432  
Judge: Nicole P. Menz

v.

JAMES E. ANDERSON,  
UNKNOWN SPOUSE OF JAMES E. ANDERSON,  
UNKNOWN TENANT IN POSSESSION #1,  
AND UNKNOWN TENANT IN POSSESSION #2,

Defendants.

**FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the Court on Plaintiff's Verified Motion for Summary Final Judgment of Foreclosure, Including a Hearing to Tax Attorneys' Fees and Costs 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 is entitled to entry of Final Judgment.

2. **Value of Claim.** At the initiation of this action Plaintiff estimated the amount in controversy of the claim to be **\$5,000.00**. The Court identifies the actual value of the claim to be **\$6,355.17**, as set forth below. No additional filing fee is required.

3. **Amounts Due.** Plaintiff, VISTA PLANTATION ASSOCIATION, INC., whose mailing address is 49 Plantation Drive, Vero Beach, Florida 32960, is due:

Assessments	\$5,183.55
Special Assessments	1,171.62
Interest (18%)	209.22
Attorneys' Fees	
Finding as to Flat Fees	\$1,150.00
Finding as to reasonable number of attorney hours	
For Charles W. McKinnon	0.2
Finding as to reasonable hourly rate:	\$300.00
Finding as to reasonable number of attorney hours	
for Lisa R. Hamilton:	19.0
Finding as to reasonable hourly rate:	\$290.00
Finding as to reasonable number of legal assistant hours	

for Karen Dixon:	0.9
Finding as to reasonable hourly rate:	\$100.00
Credit for Partial Payments towards Attorneys' Fees	(137.25) 6,684.72
Court Costs	
Court Filing Fees	316.98
Notice of Lis Pendens Recording Fee	5.00
Summons Fees	40.00
Foreclosure Sale Fees	140.00
Service of Process	140.00
Recording Fees (Claim of Lien)	10.00
Title Search	100.00
Expert Report and Affidavit Fee	200.00
Certified Mailings per F.S. 720.3085	13.90
Other Collection Costs (postage, photocopies, research, courier, etc.)	115.15
Credit for Partial Payments towards Costs	(833.78)
Credit for Payment received after Affidavits filed with Court	(345.57)
<b>TOTAL:</b>	<b>\$13,150.79</b>

4. **Interest.** The total amount in paragraph 3 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 Defendants, (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:

Unit No. 104 of Building No. 30 of Vista Plantation, a Condominium, according to the Declaration of Condominium dated December 19, 1984 and recorded December 21, 1984 in Official Record Book 699, Page 1817, Public Records of Indian River County, Florida, as amended; together with all common elements and common property appurtenant thereto.

Property Address: 30 Plantation Drive, #104, Vero Beach, Florida 32966.

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 this Court shall sell the property at public sale on **November 13, 2020**, to the highest bidder for cash, except as prescribed in paragraph 7, by electronic sale at [www.indian-river.realforclose.com](http://www.indian-river.realforclose.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 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 3 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, 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, INDIAN RIVER COUNTY CLERK OF THE CIRCUIT COURT, 2000 16<sup>TH</sup> AVENUE, VERO BEACH, FLORIDA 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 in Vero Beach, Florida, Indian River County, Florida, this 10<sup>th</sup> day of September, 2020.

  
2020 CC 000432

eSigned by MENZ, NICOLE 09/10/2020 09:17:22 pgm2HKy

NICOLE P. MENZ  
County Court Judge

Copies Furnished to:

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