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

CHARLES ATKINS, JR., *et al.*,
Plaintiffs,

Case No. 31-2017-CA-000184-XXXX-XX

v.

MICHAEL S. HOOKER, *et al.*,
Defendants.

_____/

SUPPLEMENTAL FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE came on to be heard upon Plaintiffs' Amended Motion for Order Amending the Final Summary Judgment and Setting Judicial Sale. The Court having heard arguments of the parties' counsel and reviewed the file and being otherwise fully advised in the premises, it is

ORDERED and ADJUDGED as follows:

1. On January 31, 2019, the Court entered its Final Summary Judgment in Favor of Plaintiffs and Intervenor (Judgment).
2. On December 13, 2019, the 4th District Court of Appeal affirmed the Judgment.
3. The Judgment is a lien against the Real Property located at 485 12th Street S.E. in Vero Beach, Florida and described as Lot 13, RIVER SHORES ESTATES UNIT FOUR, according to the Plat thereof recorded in Plat Book 8 at Page 13 of the Public Records of Indian River County, Florida (Real Property) which Plaintiffs are entitled to foreclose.
4. The Judgment also awarded Plaintiffs their attorney's fees and costs under Section 57.115, Florida Statutes, and post judgment interest under

Florida and South Carolina law, reserving jurisdiction to determine the amount of attorney's fees and costs and interest.

5. On October 16, 2020, Plaintiffs filed their Amended Motion for Order Amending the Final Summary Judgment and Setting Judicial Sale.

6. Plaintiffs' Amended Motion for Order Amending the Final Summary Judgment and Setting Judicial Sale is granted.

7. The judgment lien awarded to Apex Bank, Intervenor, in the Judgment against the Real Property, is inferior to Plaintiffs' judgment lien and is hereby foreclosed unless Apex Bank is the successful bidder at the auction sale.

8. The Judgment and this Supplemental Final Judgment constitute a valid lien on the Real Property sought to be foreclosed and is superior to any right, title, interest or claim of all Defendants, the Intervenor, Apex Bank and all persons or entities claiming, by through or under them, with the exception of that first mortgage in favor of Bank of America, N.A. recorded in O.R. Book 1706 Page 1539 of the Public Records of Indian River County.

9. There is a Lien in favor of Plaintiffs against Defendant, Michael R. Hooker, in the following sums:

Principal Due in Final Summary judgment dated January 31, 2019	\$463,705.33
Interest at 6.33% (\$80.41 per day for 334 days) from February 1, 2019 through December 31, 2019	\$26,859.59
Interest at 6.83% (\$86.53 per day for 335 days from January 1, 2020 through November 30, 2020	\$28,988.55
Judgment total:	\$519,553.47

plus interest at 6.83% per annum (\$86.53 per day) from December 1, 2020 through December 31, 2020, and thereafter as provided in §55.03 Florida Statutes from the date of this judgment until paid, and any further sums in the connection herewith, for all of which let execution now issue.

10. Plaintiffs, whose address is c/o Rumberger, Kirk & Caldwell, P.A, 300 S. Orange Avenue, Suite 1400, Orlando, Florida 32801, have a lien to secure the payment of the aforesaid sums against the following described real and personal property located at 485 12th Street S.E. in Vero Beach, Florida in Indian River County, Florida, which is legally described as:

Lot 13, RIVER SHORES ESTATES UNIT FOUR, according to the map or plat thereof as recorded in Plat Book 8, Page 13, Public Records of Indian River County, Florida

11. The aforesaid lien of the Plaintiffs is prior, paramount, and superior to all rights, claim, liens, interest, encumbrances and equities of the Defendants, the Intervenor, Apex Bank and all persons, firms or corporations claiming by, through, or under Defendants and Intervenor, Apex Bank, and the Real Property will be sold free and clear of all claims of said Defendants and Intervenor, Apex Bank, with the exception of that first mortgage in favor of Bank of America recorded in O.R. Book 1706 Page 1539 of the Public Records of Indian River County.

12. If the total sum due with interest and all costs of this action are not forthwith paid, pursuant to §702.04, Florida Statutes (2019), the Clerk of the Court shall sell the property a public sale at 10:00 AM on February 03, 2021, by electronic sale at www.indian-river.realforeclose.com after having first given

notice as required by §45.031 and §702.04 Florida Statutes (2019). **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.

13. 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 JUDGMENT.

14. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

15. Plaintiffs shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiffs are not the purchaser of the Real Property, provided however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If Plaintiffs are the purchaser, the Clerk shall credit Plaintiffs' bid with the total sum with interest and costs accrued after this Order, or such part of it as is necessary to pay the bid in full.

16. Any sums expended by Plaintiffs, including but not limited to Ad Valorem Taxes, Hazard Insurance, property preservation, or other necessary costs, shall be credited to Plaintiffs' bids. If Plaintiffs are to include such sums in its bids, Plaintiffs shall file an affidavit setting forth such expenditures, and the amount due as set forth in Paragraph 9, shall be increased by the amount of such advances without further order of the Court.

17. On filing the Certificates of Title, the Clerk shall distribute the proceeds of the sale and other monies collected by the Clerk in connection with the sale, so far as they are sufficient, by paying: first, all of Plaintiffs' costs; second, documentary stamps affixed to the Certificate of Title and registry fees, if applicable; third, Plaintiffs' attorney's fees; fourth, the total sum due Plaintiffs less the items paid, plus interest at the rate prescribed by law from the date of December 1, 2020 to the date of issuance of the Certificate of Title and, retaining any amount remaining pending further order of this Court.

18. The sale shall be held in accordance with §45.031 Fla. Stat. (2019), and upon the Clerk filing the Certificate of Sale, all persons claiming under or

against Defendants and Intervenor since the filing of the notice of *lis pendens* shall be foreclosed of all estate or claim in the property and Defendants' and Intervenor's right of redemption as prescribed by §45.0315 Fla. Stat. (2019) shall be terminated, except as to claim or rights under Chapter 718 or Chapter 720, Florida Statutes (2019), if any. Upon issuance of the Certificate Title, the sale shall stand confirmed. The Clerk of the Court is hereby specifically authorized to issue a Writ of Possession and the Sheriff is hereby authorized to serve the Writ of Possession forthwith after issuance of Certificate of Title.

19. This Court retains jurisdiction of this cause for the purpose of entering any and all further orders as may be necessary and proper, including supplemental relief against any omitted parties, and Plaintiffs' and Intervenor's attorney's fees and costs in this action under Section 57.115, Florida Statutes, and post judgment interest under Florida and South Carolina law. However, no subsequent award of any supplemental relief, attorney's fees, costs or post-judgment interest shall become a lien against the Real Property.

DONE and ORDERED in Chambers at Vero Beach, Indian River County, Florida this ____ day of December, 2020.

12/04/2020 14:20:10

eSigned by JANET CARNEY CROOM 12/04/2020 14:20:10 8ftnVXRm

JANET C. CROOM
Circuit Judge

Copies furnished through the
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