

Filing # 118970038 E-Filed 01/04/2021 10:11:37 AM

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

**SUTTON PLACE CONDOMINIUM  
ASSOCIATION OF VERO BEACH, INC.,**  
a Florida Not-for-Profit Corporation,

Case No.: 312020CC000730

Plaintiff,

v.

**PAULETTE BROWN, MARTIN BROWN,  
AND ALL UNKNOWN TENANTS IN  
POSSESSION OF UNIT #106,**

Defendants.

\_\_\_\_\_ /

**FINAL JUDGMENT OF FORECLOSURE OF CLAIM OF LIEN**

This action was heard before the court on the Plaintiff's Motion for Summary Final Judgment on January 4, 2021. On the evidence presented

**IT IS ADJUDGED** that:

1. **Motion Granted.** There is no dispute of material facts and Plaintiff's motion for summary judgment is granted.

2. **Amounts Due.** Plaintiff, **Sutton Place Condominium Association of Vero Beach, Inc., 1555 14<sup>th</sup> Avenue, Vero Beach, FL 32960** is due:

Assessments due (07/15/2016 – 01/04/2021)	\$ 2,606.75
Late Fees	\$ 980.00*
Accounting costs	\$ 425.00
NFS fee	\$ 12.00
Attorneys' fees	<b>RESERVED*</b>
Court costs	
Filing fee and summons (\$335.00)	\$ 335.00*
Service of Process at \$[80.00] per	
Defendant	\$ 240.00*
Recording of Lis Pendens	\$ 5.00

\* Pursuant to §718.116(3), Fla. Stat., "[a]ny payment received by an association must be applied first to any interest accrued by the association, then to any administrative late fee, then to any costs and reasonable attorney fees incurred in collection, and then to the delinquent assessment."

**TOTAL** **\$4,603.75**  
**Excluding attorney's fees to be assessed at a later hearing**

3. **Interest.** The total amount in paragraph 2 shall bear interest from this date forward at the prevailing rate.

4. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in Indian River County, Florida:

Condominium Unit 106 of SUTTON PLACE CONDOMINIUM, a Condominium according to the Declaration of Condominium thereof recorded in Official Records Book 608, Page 2014, of the Public Records of Indian River County, Florida, and all amendments thereto, together with its undivided share in the common elements appurtenant to said unit.

Property address: **Sutton Place Condominium Association of Vero Beach, Inc., 1555 14<sup>th</sup> Avenue, Unit # 106, Vero Beach, FL 32960**

5. **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 February 16, 2021 to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at [www.indian-river.realforeclosure.com](http://www.indian-river.realforeclosure.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.

6. **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.

**7. 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 the further order of this court.

**8. 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.

**9. 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 of hearing, subject to the purchaser's compliance with Section 83.561, Florida Statutes.

**10. 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, 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.**

**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, 2000 16TH AVE, VERO BEACH, FL 32960, (772) 770-5185, 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 SERVICE – FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FLORIDA 34948, (772) 466-4776, 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 SERVICE – FORT PIERCE OFFICE, (772) 466-4776, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

DONE AND ORDERED on the 4<sup>th</sup> day of January, 2021, at Vero Beach, Florida.



DAVID C. MORGAN  
2021 CC 00073

HONORABLE DAVID MORGAN  
County Judge

Copies Furnished to:

Rooney & Rooney, P.A. [Attorneys@RooneyAndRooneyLaw.com](mailto:Attorneys@RooneyAndRooneyLaw.com)

Paulette and Martin Brown, 1555 14<sup>th</sup> Avenue, Unit 106, Vero Beach, FL 32960