

Filing # 124189517 E-Filed 04/01/2021 02:31:44 PM

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

MADISON ALAMOSA HECM, LLC,

312021CA000025XXXXXX

Plaintiff,

-vs-

Case No.: 2021-CA-000025

THE UNKNOWN HEIRS, DEVISEES, GRANTEEES, ASSIGNEES, LIENORS,
CREDITORS, TRUSTEES OR OTHER CLAIMANTS CLAIMING BY,
THROUGH, UNDER OR AGAINST MOISES RAMIREZ, DECEASED;
GEORGE EMILIO RAMIREZ AND UNKNOWN SPOUSE OF GEORGE
EMILIO RAMIREZ; THE SECRETARY OF HOUSING AND URBAN
DEVELOPMENT; VERO BEACH HIGHLANDS PROPERTY OWNERS'
ASSOCIATION, INC.; UNKNOWN TENANT 1; UNKNOWN TENANT 2,

Defendants. _____/

EXPEDITED IN REM FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the court on March 31, 2021 and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** There is no dispute of material facts and Plaintiff's Order to Show Cause is granted, Plaintiff, is entitled to entry of final judgment:

2. **Value 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 \$85,778.63. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the court identifies the actual value of the claim to be \$90,758.00. 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.

3. **Amounts Due.** Plaintiff, MADISON ALAMOSA HECM, LLC, whose address is 900 Highlands Drive, Suite 301, Solana Beach, California 92075, is due:

Principal	\$ 48,026.25
Interest through 8/10/2020	\$ 36,602.77
Interest from 8/10/2020 to 3/31/2021	\$ 1,689.48
Tax and Insurance Advances	\$ 4,733.60
Prior Legal Fees/Inspection Fees/Registration Fees	\$ 0.00
Subtotal	\$ 91,052.10

Plaintiff is obligated to pay its attorneys a reasonable fee for their services herein. Florida Statute Section 702.10 provides a presumptively reasonable attorney fee of 3.0% of the amount due on the mortgage sued upon.

Attorneys' fees	
Finding as to a reasonable flat fee:	\$ 1,440.78

Additionally, the requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.

Attorneys' fees Total:	\$ 1,440.78
------------------------	-------------

Other Costs:	
Title Search Fee	\$ 99.00
Heirs Search/Death Certificate Search	\$ 246.20
Notice of Sale Fees	\$ 70.00
Publication Fee (estimated Notice of Action/Notice of Sale)	\$ 900.00
Recording Fee	\$ 0.00
Postage/FedEx	\$ 0.00
Filing Fee	\$ 1,161.27
Service of Process	\$ 646.30

Subtotal	\$ 3,122.77
----------	-------------

TOTAL **\$ 95,615.65**

4. **Interest.** The total amount in paragraph 3 shall bear interest from this date forward at the prevailing statutory rate of interest, 4.81% a year that shall bear interest at the rate of 4.81% a year .

5. **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:

LOT 20, BLOCK 112, VERO BEACH HIGHLANDS, UNIT NO. 5, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE(S) 56, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 855 23rd PL SW, Vero Beach, FL 32962.

6. **Sale of Property.** If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the property at public sale on May 5, 2021, to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes, using the following method:

Online at www.indian-river.realforeclose.com at 10:00 AM EST

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 property 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 post judgment advances** and shall be reimbursed for **such costs and post judgment advances** 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, costs **and any post judgment advances made by the plaintiff** 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 **and post judgment advances**; 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 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

9. **Right of Redemption.** On filing of 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. Upon the filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

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.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, orders and judgments on supplemental complaints to re-foreclose to add omitted parties or remedy any other defects in the foreclosure proceedings, orders determining the amount of assessments or other charges owed to any condominium or homeowners association, writs of possession, as to any defendants who have not been discharged in bankruptcy.

12. **PURSUANT TO THE LOAN DOCUMENTS, NO DEFICIENCY SHALL BE SOUGHT OR OBTAINED.**

13. **Assignment.** The Plaintiff may assign and credit bid by the filing of an assignment prior to the issuance of the certificate of title without further order of the court.

" IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MY 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 THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMLEY 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 AT 772-770-5185 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 FLORIDA RURAL LEGAL SERVICES, 121 NORTH 2ND STREET, 4TH FLOOR, FORT PIERCE, FLORIDA 34950, TELEPHONE NUMBER, 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 THE INDIAN RIVER COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 727-770-5677 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

THE PROPERTY OWNER IS THE OWNER OF RECORD WHO APPEARS TO BE THE OWNER(S) OF THE FORECLOSED PROPERTY ON THE DATE OF THE FILING OF THE LIS PENDENS. TO MAKE A CLAIM TO THE SURPLUS, AN OWNER OF RECORD MAY USE THE FORM PROVIDED AT SECTION 45.032(3)(A), FLORIDA STATUTES. ONE YEAR AFTER THE SALE, ANY SURPLUS REMAINING WITH THE CLERK OF THE COURT MUST BE REMITTED TO THE DEPARTMENT OF FINANCIAL SERVICES, AS PROVIDED IN SECTION 45.032(3)(C), FLORIDA STATUTES. AFTER THE SURPLUS HAS BEEN REMITTED TO THE DEPARTMENT OF FINANCIAL SERVICES, THE OWNER OF RECORD, OR THE BENEFICIARY OF A DECEASED OWNER OF RECORD, MUST MAKE A CLAIM WITH THE DEPARTMENT FOR THE SURPLUS PURSUANT TO SECTION 717.124, FLORIDA STATUTES. "

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, 250 NW COUNTRY CLUB DRIVE, SUITE 217, PORT ST. LUCIE, FL 34986, (772) 807-4370 AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY

UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

DONE AND ORDERED in Chambers, INDIAN RIVER County, Florida, this _____ day of _____, 2021.

04/01/2021 14:31:31

eSigned by JANET CARNEY CROOM 04/01/2021 14:31:31 a8WA-sKP
JANET CARNEY CROOM, CLERK OF COURT

Copies furnished to all parties listed on the attached Service List.

SERVICE LIST

GEORGE EMILIO RAMIREZ
2609 CHERRYWOOD RD
HOPKINS, MN 55305

UNKNOWN SPOUSE OF GEORGE EMILIO RAMIREZ
2609 CHERRYWOOD RD
HOPKINS, MN 55305

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
C/O U.S. ATTORNEY'S OFFICE
99 NE 4TH STREET
MIAMI, FL 33132

VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION, INC.
C/O KIMBERLY BEATTIE, AS REGISTERED AGENT
625 HIGHLAND DR SW
VERO BEACH, FL 32962

THE UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS,
TRUSTEES OR OTHER CLAIMANTS CLAIMING BY, THROUGH, UNDER OR AGAINST
MOISES RAMIREZ, DECEASED
855 23RD PL SW
VERO BEACH, FL 32962