

Filing # 155057137 E-Filed 08/10/2022 02:04:00 PM

158»

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

**BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A. AS TRUSTEE FOR  
MORTGAGE ASSETS MANAGEMENT  
SERIES I TRUST,  
Plaintiff(s)**

**CASE NO.: 31-2021-CA-000129**

**vs.**

**JEANNE REAGH N/K/A JEANNE FOUTS;  
THOMAS HALL; GERALD C. FOUTS; VISTA  
GARDENS ASSOCIATION, INC; UNITED  
STATES OF AMERICA ACTING THROUGH  
SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT; UNKNOWN PARTY#1,  
PARTY#2, PARTY#3, AND PARTY#4, THE  
NAMES BEING FICTITIOUS TO ACCOUNT  
FOR PARTIES IN POSSESSION  
Defendant(s).**

---

**FINAL JUDGMENT OF FORECLOSURE**

This Action was heard before the Court on August 8, 2022, 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 is entitled to entry of final judgment.
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 to be **\$96,821.06**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$183,194.37**, as set forth below. 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 to 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.

158»

3. **Amounts Due and Owing.** Plaintiff, Bank of New York Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust, located at 2900 Esperanza Crossing, Austin, TX 78758 is due:

Principal due on the note secured by the mortgage foreclosed:	\$96,821.06
Interest on the note and mortgage to August 8, 2022	\$56,796.16
Taxes	\$1,542.32
Insurance Premiums	\$718.20
MIP/PMI	\$13,037.73
Attorney's Fees	\$5,525.00
<u>(*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.)</u>	
<u>Court Costs</u>	
Filing Fee	\$1,135.00
Service of Process	\$963.90
<u>Additional Costs:</u>	
Property Inspections	\$280.00
Servicing Fees	\$6,000.00
Property Preservation	\$375.00
<b>TOTAL</b>	<b>\$183,194.37</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 the 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:

**UNIT NO. 102 OF BUILDING NO. 33 OF VISTA ROYALE GARDENS, A  
CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM  
DATED MARCH 13, 1981 AND RECORDED MARCH 17, 1981 IN OFFICIAL RECORD  
BOOK 618, PAGE 2216, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA,  
AS AMENDED; TOGETHER WITH ALL APPLIANCES AND THE AIR  
CONDITIONING UNIT SERVING SAID UNIT, AND ALL COMMON ELEMENTS  
AND COMMON PROPERTY APPURTENANT THERETO.**

**Property address: 33 VISTA GARDENS TRAIL #102 VERO BEACH FL 32962**

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 the Court shall sell the subject property at public sale on **SEPTEMBER 22, 2022**, to the highest bidder for cash except as prescribed in Paragraph 7 <https://www.indian-river.realforeclose.com> at 10:00AM 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 cancelling 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 n 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 top 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 and 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 the plaintiff's costs; 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 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 property and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes shall be terminated, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon filing the certificate of title, the person named on the certificate of title shall be let into possession of the property, subject to the rights of a tenant occupying residential premises pursuant to section 83.561, Florida Statutes.
10. **Right of Possession.** Upon filing 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.

158»

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.
12. Defendants' Right of Redemption shall be terminated upon issuance of the Certificate of Sale as prescribed by Florida Statute §45.0315 Florida Statutes; except for that of the United States of America, which has 365 days to redeem. If the USA is a defendant for any other reason (i.e. Federal Tax Lien, etc.) the redemption period is 120 days not 365.

**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 COURT**

**INDIAN RIVER COUNTY COURTHOUSE**

**ATTN: CIVIL DEPARTMENT**

**2000 16TH AVE.**

**VERO BEACH, FL 32960, (TELEPHONE: 772-770-5185**

**1-2-1) 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 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**

158»

**FLORIDA RURAL LEGAL SERVICES AT 1-888-582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order from this court.**

DONE AND ORDERED on \_\_\_\_\_ at , Florida.

08/10/2022 14:03:53  
2021 CA 000129  
eSigned by JANET CARMY CROOM (NOT) 08/10/2022 14:03:53 ID: FmP92  
Janet C. Croom, Circuit Judge

fd/20-012029

Copies furnished by e-portal to:

Albertelli Law

P.O. Box 23028

Tampa, FL 33623

eService: [servealaw@albertellilaw.com](mailto:servealaw@albertellilaw.com)

Jeanne Reagh n/k/a Jeanne Fouts

1750 20TH AVE APT J6

VERO BEACH, FL 32960

Thomas Hall

7080 57TH ST

VERO BEACH, FL 32967

Gerald C. Fouts

1445 14TH CT

VERO BEACH, FL 32960 3760

Vista Gardens Association, Inc

c/o Jacob E. Ensor, Esq.

P.O. Box 2401

Stuart, FL 34995

E-Serve 1: [jee@reblawpa.com](mailto:jee@reblawpa.com)

United States of America Acting through Secretary of Housing and Urban Development

C/O U.S. ATTORNEY

99 N.E. 4TH STREET, 13TH FLOOR

MIAMI, FL 33132