

Filing # 155156933 E-Filed 08/11/2022 03:25:38 PM

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

312021CA000501XXXXXX
CASE NO. 2021-CA-000501

MIDFLORIDA CREDIT UNION,

Plaintiff,

v.

BRUCE C. MCQUAY; DAWN M. SOUTHWELL MCQUAY; VERO BEACH HIGHLANDS
PROPERTY OWNERS' ASSOCIATION, INC; TENANT #1; TENANT #2; INDIAN RIVER
COUNTY, FLORIDA, UTILITIES SERVICES DEPARTMENT; AND ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH, AND UNDER, AND AGAINST THE
HEREIN-NAMED DEFENDANTS WHO ARE NOT KNOWN TO BE DEAD OR ALIVE,
WHETHER SAID UNKNOWN PARTIES MAY CLAIMAN INTEREST AS SPOUSES,
HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS,
Defendants.

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the Court on August 11, 2022, 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's Motion for Summary Judgment is granted.

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 of the claim to be \$105,234.43. In accordance with Section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$123,073.11, 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, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the additional fee as least five (5) 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, MidFlorida Credit Union, P. O. Box 8008, Lakeland, Florida 33802, is due:

First Mortgage Principal	\$ 79,710.06
Interest on the note and mortgage from 02/01/21 through 06/23/22	\$ 6,619.08
Per diem interest at \$13.08 from 06/24/22 through 08/11/22	\$ 640.92
Second Mortgage Principal	\$ 22,651.45
Interest on the note and mortgage from 02/01/21 through 06/23/22	\$ 2,430.50
Per diem interest at \$4.80 from 06/24/22 through 08/11/22	\$ 235.20
Title Search expense	\$ 100.00
Attorney's Fees:	
Finding as to reasonable number of hours	10 hours
Finding as to reasonable hourly rate	\$250.00
Attorney's Fees Total	\$ 2,500.00
Court costs:	
Filing and recording fees	\$ 1,159.50
Service of process fees	\$ 773.15
Publication fees	\$ 482.22
Attorney's Affidavit fee	\$ 25.00
Clerk's Fees for Sale	\$ 140.00
Additional costs:	
Escrow shortage	\$ 5,662.31
Late charges (First Mortgage)	\$ 551.52
Late charges (Second Mortgage)	\$ 188.32
Miscellaneous charges	\$ 45.00
Demand letter charge	\$ 75.00
TOTAL	\$123,989.23

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 Defendant(s), on the following described property in St. Lucie County, Florida:

LOT 11, BLOCK 140, VERO BEACH HIGHLANDS, UNIT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

PROPERTY ADDRESS: 2046 14TH AVENUE SW, VERO BEACH, FLORIDA 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 property at public sale on September 12, 2022, to the highest bidder for cash, except as prescribed in Paragraph 7, by electronic sale at Indian River beginning at 10:00 a.m. at <https://www.indian-river.realforeclose.com>. **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.

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 five (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, ST. LUCIE COUNTY, 201 SOUTH INDIAN RIVER DRIVE, FORT PIERCE, FLORIDA 34950, PHONE: 772-462-6900 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 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 on this ____ day of August, 2022, at Fort Pierce, Florida.

08/11/2022 15:25:26
2021 CA 006504

eSigned by JANET CARNEY CROOM (NOT) 08/11/2022 15:25:26 #RLR0160

JANET CARNEY CROOM
CIRCUIT JUDGE

A COPY OF THIS FINAL JUDGMENT OF FORECLOSURE IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL:

Gregory A. Sanoba, Esquire

COUNSEL FOR PLAINTIFF SHALL SERVE A COPY OF THIS FINAL JUDGMENT OF FORECLOSURE ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:

Bruce C. McQuay, 2046 14th Ave. SW, Vero Beach, FL 32962

Bruce C. McQuay, 794 Rolling Hill Drive, Sebastian, FL 32958

Dawn M. Southwell McQuay, 2046 14th Ave SW, Vero Beach, FL 32962

Dawn M. Southwell McQuay, 794 Rolling Hill Drive, Sebastian, FL 32958

Vero Beach Highlands Property Owners' Association, Inc., c/o Kimberly Beattie, 625 Highland Drive, SW, Vero Beach, FL 32962