

Filing # 162536542 E-Filed 12/07/2022 09:34:06 AM

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

CASE NO. 312022CA000484XXXXXX

U.S. BANK TRUST NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY, BUT
SOLELY AS TRUSTEE OF THE TRUMAN 2021 SC9
TITLE TRUST.,
Plaintiff,

vs.

THE UNKNOWN SPOUSES, HEIRS, DEVISEES,
GRANTEES, CREDITORS, AND ALL OTHER
PARTIES CLAIMING BY, THROUGH, UNDER OR
AGAINST THE ESTATE OF TRACY R. LEE A/K/A
TRACY RENE LEE A/K/A TRACY SPRUNGER LEE
A/K/A TRACY LEE, DECEASED; PNC BANK N.A.
AS SUCCESSOR BY MERGER TO NATIONAL
CITY BANK, SUCCESSOR BY MERGER TO
HARBOR FEDERAL SAVINGS BANK; AMY LYNN
CALLAGHAN F/K/A AMY LYNN CAVALLO;
CROWN ASSET MANAGEMENT, LLC; VERO
BEACH HIGHLANDS PROPERTY OWNERS'
ASSOCIATION INC.; UNKNOWN TENANT NO. 1;
UNKNOWN TENANT NO. 2; and ALL UNKNOWN
PARTIES CLAIMING INTERESTS BY, THROUGH,
UNDER OR AGAINST A NAMED DEFENDANT TO
THIS ACTION, OR HAVING OR CLAIMING TO
HAVE ANY RIGHT, TITLE OR INTEREST IN THE
PROPERTY HEREIN DESCRIBED,
Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on December 2, 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 \$137,918.60. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$147,936.54, 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 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, c/o Diaz Anselmo & Associates, P.A., P.O. BOX 19519, Fort Lauderdale, FL33318, is due:

Principal:	\$115,668.70
Interest on the note and mortgage from October 1, 2019 to August 8, 2022	\$16,084.74
Per diem interest at 4.87500% from (10/01/19- 8/8/2022;) to December 2, 2022	\$1,792.20
Taxes	\$ 862.24
Insurance premiums	\$2,554.00
Attorneys' Fees	
Attorneys' Fees total	\$4,700.00
Court Costs:	
Service of Process at	\$ 575.00
Publication for Unknown Heirs of John Lee	\$ 170.00
Additional Costs:	
Property Inspection(s)	\$ 257.50
Attorney Ad Litem Fees	\$ 900.00
Acquired Esc Advance	\$2,801.68
Heir and Death Certificate	\$ 441.13
Assignment of Mortgage	\$ 15.75
Complaint	\$1,134.00
Subtotal (if applicable)	\$1,590.88
LESS: Suspense Amount (Credit)	\$- 20.40
TOTAL	\$147,936.54

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

5. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of 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:

LOT 21, BLOCK 116, VERO BEACH HIGHLANDS - UNIT FIVE,
ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN
PLAT BOOK 8, PAGE 56, PUBLIC RECORDS OF INDIAN RIVER
COUNTY, FLORIDA.

Property Address: 865 24TH PLACE SW, 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 this court shall sell the property at public sale on **January 31, 2023**, to the highest bidder for cash, except as prescribed in paragraph 7:

by electronic sale at www.indian-river.realforeclose.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.

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 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 the 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 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 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.

12. **The Plaintiff, may assign the Judgment or the bid to a third party without further order of the Court. If the Plaintiff or Plaintiff's assignee is the purchaser at the sale, the Clerk shall credit on the bid of the Plaintiff or Plaintiff's assignee the total sum herein found to be due the Plaintiff pursuant to the paragraphs above, or such portion thereof as may be necessary to pay fully the bid of the Plaintiff or Plaintiff's assignee.**

13. **If the United States of America is a Defendant in this action, they shall have the right of redemption provided by 28 U.S.C. §2410(c) from the issuance of a Certificate of Title, but the right shall thereafter expire.**

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 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, 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 _____ 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 INDIAN RIVER AID SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED on _____, 2022 at Vero Beach, Florida.

12/07/2022 09:33:53
2022 CA 000484

Janet Carney Croom, Circuit Judge

Ian C. Dolan , Esquire
Diaz Anselmo & Associates, P.A.
Attorneys for Plaintiff
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Copies furnished to all parties on the attached service list

1460-184259 RKA

SERVICE LIST

Case No. 312022CA000484XXXXXX

UNKNOWN TENANT NO. 1

865 SW 24th Place
Vero Beach, FL 32962

UNKNOWN TENANT NO. 2

865 SW 24th Place
Vero Beach, FL 32962

THE UNKNOWN SPOUSES, HEIRS, DEVISEES, GRANTEEES, CREDITORS, AND ALL OTHER PARTIES CLAIMING BY, THROUGH, UNDER OR AGAINST THE ESTATE OF TRACY R. LEE A/K/A TRACY RENE LEE A/K/A TRACY SPRUNGER LEE A/K/A TRACY LEE, DECEASED
UNKNOWN ADDRESS

PNC BANK N.A. AS SUCCESSOR BY MERGER TO NATIONAL CITY BANK, SUCCESSOR BY MERGER TO HARBOR FEDERAL SAVINGS BANK

c/o President, Vice-President, or any other officer authorized to accept service, R.A.
300 DELAWAARE AVE 6TH
Wilmington, DE 19801

CROWN ASSET MANAGEMENT, LLC

c/o CT Corporation System, R.A.
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

VERO BEACH HIGHLANDS PROPERTY OWNERS' ASSOCIATION INC.

c/o KIMBERLY BEATTIE, R.A.
625 HIGHLAND DR SW
VERO BEACH, FL 32962

AMY LYNN CALLAGHAN F/K/A AMY LYNN CAVALLO

865 SW 24TH PLACE
VERO BEACH , FL 32962

CO-COUNSEL FOR THE PLAINTIFF ALBERTELLI LAW STUART SMITH, ESQ

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