

Filing # 165498869 E-Filed 01/26/2023 09:45:15 AM

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA
CIVIL DIVISION

WILMINGTON SAVINGS FUND SOCIETY, FSB,
NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS OWNER TRUSTEE OF CSMC 2017-
RPL2 TRUST,

Plaintiff,

vs.

L. GAIL CHAHOC, TRUIST BANK F/K/A
BRANCH BANKING AND TRUST COMPANY,
AS SUCCESSOR BY MERGER TO SUNTRUST
BANK, UNKNOWN TENANT(S) IN
POSSESSION N/K/A ROY HARBIN, DAVID LEE
CHAHOC,

Defendants.

CASE NO. 2022 CA 000675

312022CA000675XXXXXX

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the Court on January 25, 2023 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 \$74,557.27. In accordance with 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$82,979.74. 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 following 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 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, WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE OF CSMC 2017RPL2 TRUST, c/o Select Portfolio Servicing, Inc., 3217 S. Decker Lake Drive, Salt Lake City, UT 84119, is due:

Principal	\$ 68,937.59
Interest on the note and mortgage from 08/01/2021 to 11/30/2022	\$ 2,449.60
Per diem interest at 4.000000% from 12/01/2022 to 01/25/2023	\$ 278.17
Late Charges	\$ 44.12

Escrow Advances	\$ 4,466.84
Title search expenses	\$ 340.00
Property Valuations	\$ 289.00
Property Inspections	\$ 175.93
NSF Fees	\$ 20.00
Interest on Advances	\$ 2.69
Attorney's Fees	

Finding as to reasonable number of hours: 22.00

Finding as to reasonable hourly rate: \$200.00

Attorney's Fees total	\$ 4,400.00
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Court Costs:

Filing Fee	\$ 1,055.00
Lis Pendens	\$ 5.00
Summons	\$ 40.00
Service of Process at \$79.00 per defendant; \$110.00 per skip trace	\$ 551.40

Additional Costs:

Bankruptcy Searches	\$ 0.40
Death Certificates	\$ 15.00

SUBTOTAL	\$ 83,070.74
Less: Escrow Balance	\$ 0.00
Less: Unearned insurance premiums	\$ 0.000
Less: Other – Unapplied Funds	\$(91.00)
TOTAL:	\$ 82,979.74

4. **Interest.** The total sum referenced 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), (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 9, BLOCK 10, WHISPERING PALMS UNIT 4, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 11, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA

Property Address: 648 4th 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 the Court shall sell the property at

public sale on **March 13, 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 AM 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 public areas of the Clerk's offices.

7. **Costs.** Plaintiff shall advance all subsequent costs to 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 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.

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 83.5615, 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. If the United States of America is a Defendant herein, it shall have the right of redemption provided by 28 U.S.C. 2410(c) for the period provided therein, running from the date of Certificate of Sale.

13. In accordance with Florida Statutes, Section 45.031:

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 THIS 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.

ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM BEFORE THE CLERK REPORTS THE SURPLUS AS UNCLAIMED. THE COURT, IN ITS DISCRETION, MAY ENLARGE THE TIME OF THE SALE. NOTICE OF THE CHANGED TIME OF SALE SHALL BE PUBLISHED AS PROVIDED HEREIN.

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 2000 16th Avenue, Vero Beach, FL 32960, Telephone (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 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 _____, 2023, Indian River County, Florida.

01/26/2023 09:39:07
2022 CA 000675

eSigned by JANET CARNEY CROOM (NOT) 01/26/2023 09:39:07 uq400mgm

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Copies furnished by e-portal to:

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Plaintiff's counsel shall serve paper copies on all defendants not otherwise served by U.S. Mail to:

L. GAIL CHAHOC

1755 37TH ST

VERO BEACH, FL 32960

TRUIST BANK F/K/A BRANCH BANKING AND TRUST COMPANY, AS SUCCESSOR BY
MERGER TO SUNTRUST BANK
C/O CORPORATION SERVICE COMPANY, REGISTERED AGENT
1201 HAYS STREET
TALLAHASSEE, FL 32301

UNKNOWN TENANT(S) IN POSSESSION N/K/A ROY HARBIN
648 4TH PLACE SW
VERO BEACH, FL 32962

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