

Filing # 167478810 E-Filed 02/24/2023 10:36:19 AM

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

PENNYMAC LOAN SERVICES, LLC

CaseNo.: 2022 CA 000273

Plaintiff(s),

312022CA000273XXXXXX

vs.

UNKNOWN HEIRS, BENEFICIARIES,
DEWISEES, ASSIGNEES, LIENORS,
CREDITORS, TRUSTEES AND ALL OTHERS
WHO MAY CLAIM AN INTEREST IN THE
ESTATE OF JOHN ALBERT HODE *et al.*,

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on January 27, 2023 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 The 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 of the claim to be \$66,285.40. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$91,234.82, 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. **Amount Due.** Plaintiff, PENNYMAC LOAN SERVICES, LLC P.O. Box 30597 Los Angeles, CA 900300597, is due:

Principal	\$ 66,285.40
Interest on the note and mortgage from 10/23/2020 to 1/27/2023	\$ 5,191.84
Escrow Fees	\$ 3,975.59
Attorney's Fees	
Findings as to reasonable number of hours: 38	
Findings as to hourly rate: \$215.00	\$ 12,520.00

Flat Rate Foreclosure Fee : \$4,350.00	
Complaint Filing Fee	\$ 1,132.29
Service of Process	\$ 714.70
Publication fee	\$ 170.00
Inspections	\$ 345.00
Affidavit of Diligent Search	\$ 50.00
Court Reporter	\$ 50.00
Deceased Heir Report	\$ 800.00
TOTAL	\$ 91,234.82

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), (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:

Apartment Number 204, of Condominium Apartment Building No. 67 of Vista Royale, Phase 3, a Condominium, together with an undivided in the common elements, according to the Declaration of Condominium, recorded in Official Records Book 586, Page 1740, and as amended, in the Public Records of Indian River County, Florida.

Property address: **67 ROYAL OAK DR 204, 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 **25th day of April, 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 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 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 is retained to enter further orders as are proper including, but not limited to writs of possession, determination of amounts due pursuant to sections 718.116 and/or 720.3085, Florida Statutes, supplemental complaints, reforeclosure motions/complaints, attorneys' fees and costs, motions for additional advances, amendments to the final judgment and deficiency judgments except where a discharge is applicable or personal service not obtained.

12. Upon issuance of the Certificate of Title, Plaintiff or the purchaser at the Foreclosure Sale shall be liable for condominium association dues pursuant to Florida Statutes 718.116.

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.

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, 2000 16TH AVENUE VERO BEACH, FL 32960, (772) 770-5176 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 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 _____ day of _____, 20____ at , Florida.

02/24/2023 10:35:44
2022 CA 000273

eSigned by JANET CARNEY CROOM (NOT) 02/24/2023.10:35:44 6MYYPgz

Copies Furnished by e-portal to:
FORECLOSURES@REBLAWPA.COM

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

De Cubas & Lewis, P.A.
P.O. Box 771270
Coral Springs, FL 33077
Telephone: (954) 453-0365/1-800-441-2438
Facsimile: (954) 771-6052

DESIGNATED PRIMARY E-MAIL FOR SERVICE
PURSUANT TO FLA. R. JUD. ADMIN 2.516
eservice@decubaslewis.com

SERVICE LIST

Case No: 2022 CA 000273

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, ASSIGNEES, LIENORS, CREDITORS,
TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF JOHN
ALBERT HODE
67 ROYAL OAK DR 204
VERO BEACH, FL 32962

JACOB E. ENSOR, ESQ.
ATTORNEY FOR VISTA ROYALE ASSOCIATION
PO BOX 2401
STUART, FL 34995
FORECLOSURES@REBLAWPA.COM

JOHN C. HODE
208 CONIFER DRIVE
FORKED RIVER, NJ 08731

MARISA A. SPECK A/K/A MARISA ANNE SPECK
207 STAFFORD AVE
LANOKA, NJ 08734

UNKNOWN TENANT
67 ROYAL OAK DR 204
VERO BEACH, FL 32962



DE CUBAS
LEWIS

PO Box 771270, Coral Springs, FL 33077
T 954.453.0365 F 954.771.6052

DESIGNATED PRIMARY EMAIL FOR SERVICE
PURSUANT TO FLA. R. JUD. ADMIN 2.516
eservice@decubaslewis.com

December 29, 2022

Honorable
Civil Court Judge

,

RE: PENNYMAC LOAN SERVICES, LLC VS. UNKNOWN HEIRS, BENEFICIARIES, DEVISEES,
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN
INTEREST IN THE ESTATE OF JOHN ALBERT HODE
Case Number: 2022 CA 000273
CLG File Number: 22-00012

Dear Judge :

Plaintiff's Final Judgment has been set for hearing on January 27, 2023 at 8:30 AM. In that connection, I enclose the following:

- X Original and copies of a Final Judgment of Foreclosure, together with postage paid, pre-addressed envelopes for mailing to the parties.
- X Original and copies of the Notice of Sale.
- X Original and copies of the Certificate of Sale, Disbursements, and Title, together with postage paid, pre-addressed envelopes.

Should you have any questions, or require additional information, please do not hesitate to contact this office.

Respectfully,

Lindsay Maisonet, Esq.

Enclosures

CC: ALL PARTIES

22-00012

FORM 1.998.**FINAL DISPOSITION FORM**

This form shall be filed by the prevailing party with the Clerk of Court for the purpose of reporting uniform case data pursuant to Florida Statutes section 25.075.

(See instructions on the reverse of the form.)

I. CASE STYLE

PENNYMAC LOAN SERVICES, LLC,
Plaintiff,

vs.

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES,
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES
AND ALL OTHERS WHO MAY CLAIM AN
INTEREST IN THE ESTATE OF JOHN ALBERT
HODE, et al.,
Defendants.

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 2022 CA 000273

II. AMOUNT OF FINAL JUDGMENT

Please indicate the amount of the final judgment, rounded to the nearest dollar. \$91,234.82

III. MEANS OF FINAL DISPOSITION (Place an "x" in one box for major category and one subcategory, if applicable, only)

- ☐ Dismissed Before Hearing
- ☐ Dismissed Pursuant to Settlement –Before Hearing
- ☐ Dismissed Pursuant to Mediated Settlement –Before Hearing
- ☐ Other –Before Hearing
- ☐ Dismissed After Hearing
- ☐ Dismissed Pursuant to Settlement –After Hearing
- ☐ Dismissed Pursuant to Mediated Settlement –After Hearing
- ☐ Other After Hearing –After Hearing
- ☐ Disposed by Default
- ☐ Disposed by Judge
- ☒ Disposed by Non-jury Trial
- ☐ Disposed by Jury Trial
- ☐ Other

DATE 01/25/23

/s/ Lindsay Maisonet,

SIGNATURE OF ATTORNEY FOR PREVAILING PARTY

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT, IN AND FOR INDIAN
RIVER COUNTY, FLORIDA
CIVIL DIVISION:
CASE NO.: 2022 CA 000273

PENNYMAC LOAN SERVICES, LLC,
Plaintiff,

vs.

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES,
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES
AND ALL OTHERS WHO MAY CLAIM AN
INTEREST IN THE ESTATE OF JOHN ALBERT
HODE; VISTA ROYALE ASSOCIATION; MARISA
A. SPECK A/K/A MARISA ANNE SPECK;
UNKNOWN TENANT IN POSSESSION OF THE
SUBJECT PROPERTY,
Defendants.

CERTIFICATE OF DISBURSEMENTS

The undersigned, JEFFREY R. SMITH, Clerk of the Court, hereby certifies that the proceeds received from the sale of the property have been disbursed as provided in the final judgment to the persons and in the amounts as follows:

Name:	Amount
-------	--------

Total disbursements:	\$
Surplus retained by Clerk, if any:	\$

IF YOU ARE A PERSON 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 CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.

Dated this _____ day of _____, 2023.

JEFFREY R. SMITH
Clerk Of The Circuit Court

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT, IN AND FOR INDIAN
RIVER COUNTY, FLORIDA
CIVIL DIVISION:
CASE NO.: 2022 CA 000273

PENNYMAC LOAN SERVICES, LLC,
Plaintiff,

vs.

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES,
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES
AND ALL OTHERS WHO MAY CLAIM AN
INTEREST IN THE ESTATE OF JOHN ALBERT
HODE; VISTA ROYALE ASSOCIATION; MARISA
A. SPECK A/K/A MARISA ANNE SPECK;
UNKNOWN TENANT IN POSSESSION OF THE
SUBJECT PROPERTY,
Defendants.

CERTIFICATE OF TITLE

The undersigned, JEFFREY R. SMITH, Clerk of the Court, hereby certifies that a certificate of sale has been executed and filed in this action on _____, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in INDIAN RIVER County, Florida:

Apartment Number 204, of Condominium Apartment Building No. 67 of Vista Royale, Phase 3, a Condominium, together with an undivided in the common elements, according to the Declaration of Condominium, recorded in Official Records Book 586, Page 1740, and as amended, in the Public Records of Indian River County, Florida.

Property Address: 67 ROYAL OAK DR 204 VERO BEACH, FL 32962

was sold to:

PennyMac Loan Services, LLC
P.O. Box 30597
Los Angeles, CA 900300597

WITNESS my hand and the seal of the Court this _____ day of _____, 2023.

JEFFREY R. SMITH
Clerk Of The Circuit Court

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF THE
19TH JUDICIAL CIRCUIT, IN AND FOR INDIAN
RIVER COUNTY, FLORIDA
CIVIL DIVISION:
CASE NO.: 2022 CA 000273

PENNYMAC LOAN SERVICES, LLC,
Plaintiff,

vs.

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES,
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES
AND ALL OTHERS WHO MAY CLAIM AN
INTEREST IN THE ESTATE OF JOHN ALBERT
HODE; VISTA ROYALE ASSOCIATION; MARISA
A. SPECK A/K/A MARISA ANNE SPECK;
UNKNOWN TENANT IN POSSESSION OF THE
SUBJECT PROPERTY,

Defendants.

CERTIFICATE OF SALE

The undersigned, JEFFREY R. SMITH, Clerk of the Court, certifies that notice of public sale of the property described in the final judgment was published in Veteran Voice c/o FLA a newspaper circulated in INDIAN RIVER County, Florida, in the manner shown by the proof of publication attached and on _____, 2023, the property was offered for public sale to the highest bidder for cash. The highest and best bid received for the property in the amount of \$ _____ was submitted by _____, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the order or the final judgment or law.

WITNESS my hand and the seal of the Court this _____ day of _____, 2023.

JEFFREY R. SMITH
Clerk Of The Circuit Court

By: _____
Deputy Clerk

02/24/2023 10:35:44
2022 CA 000273

eSigned by JANET CARNEY CROOM (NOT) 02/24/2023 10:35:44 6MYYPgz

Electronic Service List
COREY LEWIS LEWIS <cservice@decubaslewis.com>, <corey.lewis@decubaslewis.com>,
<courtXpress@firmsolutions.us>
Jacob E. Ensor <jee@reblawpa.com>, <efiling@reblawpa.com>

COREY LEWIS <CLEWIS@RASFLAW.COM>