

Filing # 167794726 E-Filed 03/01/2023 11:56:19 AM

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

Case No.: 2019CA000578

Division: 312019CA000578XXXXXX

U.S. BANK NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR
MAROON PLAINS TRUST

Plaintiff,

vs.

HERMILIO HERNANDEZ, BANK
OF AMERICA, NATIONAL
ASSOCIATION, UNKNOWN
TENANT, GILMA LOPEZ, STATE
OF FLORIDA, DEPARTMENT OF
REVENUE ,

Defendants.

_____ /

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on February 28, 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 plaintiff's motion for
summary judgment is granted against Defendant(s): BANK OF AMERICA, NATIONAL
ASSOCIATION; GILMA LOPEZ; STATE OF FLORIDA, DEPARTMENT OF REVENUE;
HERMILIO HERNANDEZ; UNKNOWN TENANT N/K/A YESENIA CLAUDIO.

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 \$122,436.97. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$257,105.11, 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 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, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR MAROON PLAINS TRUST, 15480 LAGUNA CANYON ROAD, SUITE 100, IRVINE, CA 92618, is due:

Principal	\$120,986.39
Deferred Balance	\$1,450.58
Interest on the note and mortgage from 09/01/2012 to 12/23/2022	\$86,653.29
Per diem @\$27.35 from 12/24/2022 to 2/28/2023	\$1,832.45
Late Charges	\$1,449.57
Title search expense	\$250.00
Taxes	\$13,072.38
Insurance premiums	\$23,981.45
Attorneys' Fees	
Finding as to reasonable number of hours for flat rate billing: 20 hours	

Finding as to reasonable hourly rate for flat rate billing:
\$217.50= \$4,350.00

Finding as to reasonable number of hours for litigation billing: 5
hours

Finding as to reasonable hourly rate for litigation billing:
\$275.00=\$1,375.00

Finding as to reasonable number of hours for litigation billing: 1
hour

Finding as to reasonable hourly rate for litigation billing: \$250.00

Attorneys' fees total:	\$5,975.00
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(*The requested attorney's fee is a flat rate 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.)

Court Costs

Title Update	\$45.00
Service of Process	\$158.00
Issuance of Summons	\$25.00
Additional Costs: Inspection Fees	\$1,226.00
SUBTOTAL	\$257,105.11
LESS: Escrow balance	\$0.00
LESS: Unearned insurance premiums	\$0.00
LESS: Other	\$0.00
TOTAL	\$257,105.11

4. **Interest.** The total amount in paragraph 3 shall bear interest from this date forward at the prevailing statutory legal 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 3, BLOCK 1, BRENTWOOD SUBDIVISION, UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 100, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA

Property address: 1312 15TH STREET VERO BEACH, FL 32960.

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 April 10, 2023, to the highest bidder for cash, except as prescribed in paragraph 7, at <https://indian-river.realforeclose.com> by electronic sale beginning at 10:00 a.m. in accordance with section 45.031, Florida Statutes.

The public sale shall not be postponed or cancelled without a Court order. All orders postponing or cancelling the sale must be filed with the Clerk or 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 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 costs of this action and shall be reimbursed for them by the Clerk if the 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 2 from this date to the date of sale; and by retaining any 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 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 83.5615, 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. The Court also reserves jurisdiction so that in the event additional sums are expended by Plaintiff to protect its interest in the property after the filing of its affidavit of indebtedness in support of summary judgment or entry of this judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs, Plaintiff may file an affidavit setting forth such expenditures and the Court may enter an order awarding Plaintiff the amount expended and add it to the grand total amount due under this final judgment, or if the property has been redeemed by payment of the judgment the Court can enter a new foreclosure judgment for the amount expended.

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 LIEN HOLDER 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 34950, (TELEPHONE: 772-770-5185), 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-Fort Pierce-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-Fort Pierce-1-888-582-3410, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Indian River County, Florida, on

03/01/2023 11:54:29
2019 CA 000578

eSigned by JANET CARNEY CROOM (NOT) 03/01/2023 11:54:29 HJkmmCs

CIRCUIT JUDGE

Conformed Copy furnished to:

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Attorney for Defendant, BANK OF
AMERICA, NATIONAL ASSOCIATION

HERMILIO HERNANDEZ
1312 15TH ST.
VERO BEACH, FL 32960

HERMILIO HERNANDEZ
1746 31ST AVE
VERO BEACH, FL 32960

STATE OF FLORIDA, DEPARTMENT OF
REVENUE
C/O ANY AUTHORIZED
OFFICER/DIRECTOR
2450 SHUMARD OAK BLVD, BLDG 1,
FLOOR 2
TALLAHASSEE, FL 32399

UNKNOWN TENANT N/K/A YESENIA
CLAUDIO
1312 15TH STREET
VERO BEACH, FL 32960

GILMA LOPEZ
7249 WOODBROOK DR
TAMPA, FL 33625

D\$FJ PKG *N\$HERNANDEZ*
M\$2015508 *EOBEFILENOFORIG*

03/01/2023 11:54:29
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eSigned by JANET CARNEY CROOM (NOT) 03/01/2023 11:54:29 rHjkmCs

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