

Filing # 173854218 E-Filed 05/24/2023 09:50:02 AM

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT, IN AND  
FOR INDIAN RIVER COUNTY, FLORIDA  
CASE NO. 2022 CA 000411  
312022CA000411XXXXXX

BANK OF AMERICA, N.A.;

Plaintiff,

vs.

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, SURVIVING  
SPOUSE, GRANTEEES, ASSIGNEES, LIENORS, CREDITORS,  
TRUSTEES AND ALL OTHER PARTIES CLAIMING AN INTEREST  
IN THE ESTATE OF DEBRA COBURN A/K/A DEBRA A. COBURN;  
WESTWIND PROPERTY OWNER'S ASSOCIATION, INC.; UNITED  
STATES OF AMERICA ON BEHALF OF THE SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT; UNKNOWN TENANT  
#1 IN POSSESSION OF THE PROPERTY; UNKNOWN TENANT #2  
IN POSSESSION OF THE PROPERTY;

Defendants,

**FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the Court on **May 23, 2023**, at the Non-Jury Trial and on the evidence presented:

**IT IS ORDERED AND ADJUDGED** that:

- Final Judgment.** There is no dispute of material facts and Plaintiff is entitled to entry of final judgment.
- 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 of controversy of the claim to be \$206,306.53. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$253,689.85, 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, **BANK OF AMERICA, N.A., 6303 Owensmouth Avenue, WH-50D, Woodland Hills, CA 91367**, is due:

Principal due on the note secured by the mortgage foreclosed:	\$206,306.53
Interest from 07/01/2021 to 05/23/2023 (Per Diem \$709.18)	\$16,311.14
Escrow Advances	\$22,037.00
Property Inspections	\$245.00
Attorney's Fees	\$6,533.75

**SUBTOTAL** **\$251,433.42**

E-Filing Cost	\$50.60
Complaint Filing Cost	\$1,100.00
Service of Process Cost	\$682.40
Notice of Action Publication Cost	\$170.00
Postage Cost	\$0.73

Document Cost	\$202.70
Re-Open Cost	\$50.00

<b>GRAND TOTAL</b>	<b>\$253,689.85</b>
--------------------	---------------------

3. **Interest.** The total amount of this judgment shall bear interest from this date forward at the prevailing statutory rate of interest.

4. Plaintiff holds a lien for the grand 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:

**All that certain parcel of land situated in the County of Indian River, State of Florida, being known and designated as Lot 17, Westwind, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Indian River County, Florida recorded in Plat Book 11, page 6.**

**PROPERTY ADDRESS: 4235 5TH ST, VERO BEACH, FL 32968**

5. Sale of Property. If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on JULY 24, 2023 to the highest bidder for cash, except as prescribed in Paragraph 6: 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.

6. **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.

7. **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 the sale; and by retaining any remaining amount pending the further order of this court.

8. **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.

9. **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.

10. **Jurisdiction Retained.** Jurisdiction of this action is retained in order to enter further orders that are proper including, without limitation, a writ of possession, supplemental proceedings necessary to include an omitted Defendant, correct, or amend a final judgment, or supplemental proceedings necessary to determine assessments due a condo or homeowner's association, in accordance with Fla. Stat. 720.3085 and 718.116. **The Plaintiff may assign the judgment and credit bid by the filing of an assignment prior to the issuance of the certificate of title without further order of the court.**

11. 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 on the property, except as to claims or rights under Chapter 718 and/or 720, Florida Statutes, if any. If a Condominium Association and/or Homeowners Association governs the subject property, and Plaintiff, or Plaintiff's successor or assignees, is the successful purchaser at the foreclosure sale, its liability to said Association(s) for unpaid assessments shall be dictated by F.S. §718.116(1) and/or F.S. §720.3085(2) as such statute(s) existed as of the date of the filing of the cause of action, and as read in conjunction with the governing documents of the Association(s) to the extent such instrument(s) controls on this issue.

12. Under the terms of the Note and Mortgage, interest on the principal balance accrued monthly on the first day of each month.

**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 IN INDIAN RIVER COUNTY Phone 772-770-5185 at Indian River County Courthouse, Room 136, P.O. Box 1028, Vero Beach, FL 32961 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, 772-466-4766, 510 South US Hwy 1, Fort Pierce, FL 34948 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 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**ORDERED** at Indian River County, Florida on \_\_\_\_\_, 2023.

05/24/2023 09:48:21  
2022 CA 006411

eSigned by JANET CROOM (NOT) 05242023 09:48:21 -K6UBF8

Janet C. Croom, Circuit Judge

Copies to parties on the attached service list:

**A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL:**

MARINOSCI LAW GROUP, P.C.  
100 WEST CYPRESS CREEK ROAD, SUITE 1045  
FORT LAUDERDALE, FL 33309  
[SERVICEFL@MLG-DEFAULTLAW.COM](mailto:SERVICEFL@MLG-DEFAULTLAW.COM)  
[SERVICEFL2@MLG-DEFAULTLAW.COM](mailto:SERVICEFL2@MLG-DEFAULTLAW.COM)

**PLAINTIFF'S COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:**

UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, SURVIVING SPOUSE, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHER PARTIES CLAIMING AN INTEREST IN THE ESTATE OF DEBRA COBURN A/K/A DEBRA A. COBURN (PUB'D)

JOSHUA DUSTIN COBURN  
4235 5TH STREET  
VERO BEACH, FL 32968

UNITED STATES OF AMERICA ON BEHALF OF THE SECRETARY OF HOUSING & URBAN DEVELOPMENT  
c/o U.S. ATTORNEY FOR SOUTHERN DISTRICT  
99 NE 4<sup>TH</sup> STREET  
MIAMI, FL 33132

WESTWIND PROPERTY OWNER'S ASSOCIATION, INC.  
c/o MICHAEL J. GARVAGLIA, ESQ.  
756 BEACHLAND BOULEVARD  
VERO BEACH, FL 32963

UNKNOWN TENANT #1 IN POSSESSION N/K/A JOSH COBURN  
4235 5TH STREET  
VERO BEACH, FL 32968