

Filing # 174563313 E-Filed 06/05/2023 09:20:11 AM

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

CASE NO.: 312022CA000349XXXXXX

THE VINEYARD OF VERO BEACH
PROPERTY OWNER'S ASSOCIATION,
INC., A FLORIDA NOT FOR PROFIT
CORPORATION,

Plaintiff,

v.

TJN REAL ESTATE HOLDING, LLC., et
al.,

Defendant(s), _____ /

FINAL JUDGMENT OF FORECLOSURE
AND ORDER TAXING COSTS AND ATTORNEY'S FEES

This action was heard before the Court on June 2, 2023, and on 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 Final Summary Judgment of Foreclosure, Taxation of Costs and Attorney's Fees is granted.

2. **Value of Claim.** At the initiation of this action, in accordance with Section (1)(a)2.b., Florida Statutes, Plaintiff estimated the amount in controversy of the claim to be \$3,975.00, plus accrued interest, costs, late charges and attorneys' fees incident to the collection of the delinquent assessments. In accordance with Section 28.41(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the Claim to be \$16,697.52, 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 any

The Vineyard of Vero Beach Property Owner's Association, Inc.
v. TJN Real Estate Holdings, LLC, et al.,
Case No. 312022CA000349XXXXXX

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 THE VINEYARD OF VERO BEACH PROPERTY OWNER'S ASSOCIATION, INC., is due:

Principal due through 02/01/2023	\$4,050.00
Special Assessments	\$300.00
Late Charges due through 02/01/2023	\$400.00
Less payments received	(\$1,351.00)
Invoices and payments for services rendered and time expended by the Law Office of Jennifer D. Peshke, P.A., and paid by Plaintiff	\$6,688.44
Invoices and payments for services rendered and time expended by Glenn Grevenoged, P.A., and paid by Plaintiff	\$494.50
Additional Assessments due through 06/02/2023	\$300.00
Additional Late Charges due through 06/02/2023	\$25.00
Interest @ 18% per annum through 06/02/2023 on said principal	\$1,477.21
COSTS:	
Postage	\$6.27
Alias Summons – TJN Real Estate	\$10.35
Process Server – Caplan, Caplan & Capan (Unknown Tenant One and Unknown Tenant Two)	\$155.70
Expert Witness Fee (As to Reasonable Attorney's Fee	

*The Vineyard of Vero Beach Property Owner's Association, Inc.
v. TJN Real Estate Holdings, LLC, et al.,
Case No. 312022CA000349XXXXXX*

Affidavit)	\$50.00
Administrative Costs (Copies, File Management System)	\$40.00
COSTS TO BE INCURRED:	
Publication Costs (Daily Business Review, Notice of Sale) (estimate)	\$400.00
Clerk's Auction Fee	\$72.45
Online Sale Fee	\$72.45
Simplifile Recording Fee – Release of Lien	\$14.50
Recording Fee – Release of Lis Pendens / Satisfaction of Judgment	\$19.15
Sub-Total	\$13,225.02
Attorney Fees	\$3,472.50
TOTAL AMOUNT DUE	\$16,697.52

PLUS ANY ASSESSMENT THAT COMES DUE PRIOR TO SALE.

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), on the following described property in Indian River County, Florida:

**Lot 17, Block A, The Vineyard Subdivision, according to the map or plat thereof, as recorded in Plat Book 16, Pages(s) 29, 29A, and 29B, inclusive, of the Public Records of Indian River County, Florida.
a/k/a: 290 Champagne Court SW, Vero Beach, FL 32968**

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

*The Vineyard of Vero Beach Property Owner's Association, Inc.
v. TJN Real Estate Holdings, LLC, et al.,
Case No. 312022CA000349XXXXXX*

property at public sale on **JULY 7, 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 the 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 not 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,

*The Vineyard of Vero Beach Property Owner's Association, Inc.
v. TJN Real Estate Holdings, LLC, et al.,
Case No. 312022CA000349XXXXXX*

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(s) or tenant(s) remain in possession of the property, and Order Granting the Motion for Writ of Possession shall be entered with further notice of 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.

IF THIS PROPERTY IS SOLD AT PUBLIC ACTION, 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.

*The Vineyard of Vero Beach Property Owner's Association, Inc.
v. TJN Real Estate Holdings, LLC, et al.,
Case No. 312022CA000349XXXXXX*

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. INDIAN RIVER COUNTY COURTHOUSE, 2000 16TH AVENUE, VERO BEACH, FL 32960, 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 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

*The Vineyard of Vero Beach Property Owner's Association, Inc.
v. TJN Real Estate Holdings, LLC, et al.,
Case No. 312022CA000349XXXXXX*

DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Indian River County, Florida, this 2nd day of June, 2023.

06/05/2023 09:08:11
2022 CA 000349

eSigned by JANET CARNEY CROOM (NOT) 06/05/2023 09:08:11 MSHZc7z2

CIRCUIT JUDGE

Copies furnished to:

Kravit Law, P.A., 2101 NW Corporate Blvd., Suite 410, Boca Raton, FL 33431 via email to:
corykravit@kravitlaw.net, kkennedy@kravitlaw.net and marie@kravitlaw.net
TJN Real Estate Holdings, LLC, c/o Emily Morrison, Managing Member, 290 Champagne Ct SW,
Vero Beach, FL 32968