

Filing # 183918497 E-Filed 10/13/2023 11:41:30 AM

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

SPECIALIZED LOAN SERVICING LLC,

**Plaintiff(s),**

CASE NO. 2022 CA 000590  
312022CA000590XXXXXX

v.

ROBERT A. PLATIAU A/K/A ROBERT  
PLATIAU, et al.,

**Defendant(s).**

\_\_\_\_\_ /

**FINAL JUDGMENT OF FORECLOSURE**

This action was heard before the court on **October 12, 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 **\$126,484.75**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be **\$144,770.51**, 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, SPECIALIZED LOAN SERVICING LLC, 6200 S. Quebec St, Greenwood Village, CO 80111, is due:

Principal	\$116,953.43
Interest on the note and mortgage from <u>07/01/2021</u> to <u>08/21/2023</u>	\$10,002.34
Per diem \$12.8168 and interest at 4.00000% from <u>08/22/2023</u> to <u>10/12/2023</u>	\$666.47
Escrow Advanced	\$9,043.77
Attorneys' fees	
Attorneys' fees total	\$4,200.00
Court costs:	
Filing fee	\$1,107.50
Service of process	\$1,943.50
Publication Cost	\$170.00
Lis Pendens	\$23.50
Summons Issuance	\$70.00
Heir JMT Search	\$200.00
Death Certificate	\$75.00
Additional Costs	
Additional costs: Other Fees & Costs	\$50.00
Additional costs: Property Inspections	\$265.00
<b>TOTAL</b>	<b>\$144,770.51</b>

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:

Lot 179, Sebastian River Landing, Phase One, according to the plat thereof as recorded in Plat Book 17, Pages 79 through 85, inclusive, of the Public Records of Indian River County, Florida.

Property Address: 152 MORGAN CIR, SEBASTIAN, FL 32958

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 **November 16, 2023**, to the highest bidder for cash, except as prescribed in paragraph 7, by electronic sale at [www.indian-river.realforeclose.com](http://www.indian-river.realforeclose.com) beginning at 10:00 a.m. 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 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 83.5615, Florida Statutes.

11. **Attorney's Fees.** The requested attorneys' fees are a flat rate fee 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.

12. **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.

13. The United States of America as a lienholder shall have the right to exercise its right of redemption pursuant to Title 28, United States Code, Section 2410 (c), within 120 days from the date of sale. The United States shall not be bound by the sixty (60) day time period imposed by 45.032, Fla. Stat. upon motions for distribution of surplus proceeds.

**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, 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 OF INDIAN RIVER COUNTY 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 INDIAN RIVER LEGAL AID, 3210 CLEVELAND AVE. #101A, FORT MYERS, FL 33901, (239)277-7060 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 INDIAN RIVER LEGAL AID, 3210 CLEVELAND AVE. #101A, FORT MYERS, FL 33901, (239)277-**

**7060 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

DONE AND ORDERED on October \_\_\_\_, 2023 at Vero Beach, Florida.

10/13/2023 11:40:50  
2022 CA 000590

eSigned by JANET CARNEY CRODM (NOT) 10132023 11:40:50 16smGsk

\_\_\_\_\_  
CIRCUIT JUDGE

Copies furnished by e-portal to:  
(E-mail addresses)

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

DISTRIBUTION LIST

MCCALLA RAYMER LEIBERT PIERCE, LLC  
225 E. ROBINSON ST. SUITE 155  
ORLANDO, FL 32801  
MRSERVICE@MCCALLA.COM

State of Florida Department of Revenue  
2450 Shumard Oak Blvd, Bldg 1 2nd Fl  
Tallahassee, FL 32399

United States of America, Department of Treasury - Internal Revenue Service  
99 NE 4th Street, 13th Floor  
Miami, FL 33132

Sebastian River Landing, Inc.  
1698 W. Hibiscus Blvd. Suite A  
Melbourne, FL 32901

Any and all unknown parties claiming by, through, under, and against the Unknown Heirs of the estate of Robert Albert Platiau a/k/a Robert A. Platiau a/k/a Robert Platiau, whether said unknown parties may claim an interest as spouses, heirs, devisees, grantees, or other claimants  
152 Morgan Circle  
Sebastian, FL 32958

Patrice Crough a/k/a Patrice Swanson, as personal representative of the Unknown Heirs of the estate of Robert Albert Platiau a/k/a Robert A. Platiau a/k/a Robert Platiau  
152 Morgan Circle  
Sebastian, FL 32958

Patrice Crough a/k/a Patrice Swanson  
152 Morgan Circle  
Sebastian, FL 32958

Unknown Spouse of Patrice Crough a/k/a Patrice Swanson  
152 Morgan Circle  
Sebastian, FL 32958

Current Residents  
152 Morgan Circle  
Sebastian, FL 32958