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

Palm Financial Services, LLC

Case No. 31 2023 CA 000055

Plaintiff,

vs.

ALAN S. LEVIN, et al.

Defendants.

_____ /

IN REM SUMMARY FINAL JUDGMENT OF FORECLOSURE AS TO COUNT(S) IV

THIS CAUSE came before the Court on February 26, 2024 via Zoom on the Motion of Plaintiff for In Rem Summary Final Judgment of Foreclosure against Any and All Unknown Parties who claim an interest as spouse, heirs, devisees, grantees, assignees, lienors, creditors, trustees, personal representatives, administrators or as other claimants, by, through, under or against Lucy M. McDonough, deceased and the Court, after having considered the pleadings, admissions, and affidavits on file herein, and being otherwise fully advised, finds that there is no genuine issue of material fact and the Plaintiff is entitled to judgment as a matter of law and it is thus

ORDERED AND ADJUDGED that:

1. The Motion of Plaintiff for In Rem Summary Final Judgment of Foreclosure seeking an in rem foreclosure against Any and All Unknown Parties who claim an interest as spouse, heirs, devisees, grantees, assignees, lienors, creditors, trustees, personal representatives, administrators or as other claimants, by, through, under or against Lucy M. McDonough, deceased is hereby GRANTED.

2. **Final Judgment.** Plaintiff is entitled to entry of final judgment.

3. **Value of Claim.** At the initiation of this action, in accordance with Fl. Stat. § 28.241(1)(a)2.b, Plaintiff estimated the amount in controversy of the claim to be \$2,054.58. In accordance with Fl. Stat. § 28.241(1)(a)2.c, the Court identifies the actual value of the claim to be \$4,974.34, 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 Fl. Stat. § 28.241(1)(a)2.d, 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.

4. **Amounts Due.** Plaintiff, Palm Financial Services, LLC 1851 Community Drive, Lake Buena Vista, Florida 32830, is due the following:

Delinquent Assessments	2,466.41
Interest at 18% through February 26, 2024	786.95
Collection Costs or Other Fees Incurred	29.00
Lien Late Charges	50.00
Title Search	50.00
Attorneys' Fees	787.05
Ad Litem Attorney Fees	500.00
Court Costs	246.74
Other Foreclosure Costs	8.69
INTERIM TOTAL:	4,924.84

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

6. **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 Fl.

Stat. §§ 718.116, or 720.3085), on the following described property in Indian River County, Florida ("Property"):

An undivided 0.6607% interest in Unit 58C of the Disney Vacation Club at Vero Beach, a condominium (the "Condominium"), according to the Declaration of Condominium thereof as recorded in Official Records Book 1071, Page 2227, Public Records of Indian River County, Florida and all amendments thereto (the 'Declaration')

7. **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 4, 2024** 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 Fla. Stat. § 45.031. **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 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 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.

8. **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 Fl. Stat. § 45.031.

9. **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 of Title; third, Plaintiff's attorneys' fees; fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 5 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

10. **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 and right of redemption as prescribed by Fla. Stat. § 45.0315 shall be terminated, except as to claims or rights under Chapter 718 or Chapter 720 of the Florida Statutes, if any.

11. **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 Fl. Stat. § 83.5615.

12. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and such supplemental relief or judgments as may be appropriate.

13. **Attorneys' Fees.** The requested attorneys' fees of **\$787.05** 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.

14. **Plaintiff's Assignment of Bid.** If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order of this court.

15. **Standing.** The Court finds the Plaintiff has standing to seek and receive the relief obtained herein.

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 CONTACT THE CLERK OF THE COURT, OF INDIAN RIVER COUNTY at 772-770-5185, 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 THE PROPERTY 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 THE FLORIDA RURAL LEGAL SERVICES AT (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 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED on January 25, 2024 at Vero Beach, Florida.

eSigned by Judge Cynthia L. Cox 02/26/2024 3:58 pm
Circuit Judge

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

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