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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN INTER-
EST TO BANK OF AMERICA NA-
TIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR BY MERGER TO
LASALLE BANK NATIONAL ASSOCI-
ATION, AS TRUSTEE FOR LEHMAN
XS TRUST MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2005-2

Plaintiff,

CASE NO. 31 2023 CA 000646

v.

GENERAL CIVIL DIVISION:

ALICE GROVE, ET AL.,

Defendants.

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on **February 26, 2024**. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1. **Motion Granted or Final Judgment.** Plaintiff's Motion for Summary Judgment is **GRANTED** against all Defendants listed by name: ALICE GROVE and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR LEHMAN BROTHERS BANK, FSB, A FEDERAL SAVINGS BANK.
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 \$67,753.60. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$155,838.91, 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, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, 8950 Cypress Waters Blvd., Coppell, TX 75019 is due:

Principal due on the note secured by the mortgage	\$67,753.60
Deferred Principal	\$34,314.64
Interest from 12/01/2020 to 02/19/2024 Per Diem: \$9.05	\$10,634.54
Total Escrow	\$36,087.44
Pre-Acceleration Late Charges	\$650.10
Property Inspections	\$630.00
Other Fee - Recording	\$30.00
Subtotal:	\$150,100.32
Costs, now taxed:	
Clerk Filing Fee	\$1,128.15
Service of Process	\$316.00
Mailing	\$19.44
Subtotal:	\$151,563.91
Attorney's Fees	\$4,275.00
TOTAL	\$155,838.91

4. **Interest.** The total amount in Paragraph 3 shall bear interest from this date forward at the prevailing statutory rate of interest of 9.09% per year.

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 1, BLOCK P, DIXIE HEIGHTS, UNIT 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 83, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: **329 14th PL SW, Vero Beach, FL 32962**

6. **Sale of Property.** If the total sum with interest at the rate described in paragraph 1 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 12, 2024** to the highest bidder for cash, except as prescribed in paragraph 7, beginning at 10:00am www.indian-river.realforeclose.com), 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. **Rights 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. **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. *Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, orders amending this final judgment, orders disbursing surplus proceeds, orders of reforeclosure, an award of attorney's fees and costs, orders authorizing writs of possession, and orders resolving any disputes with respect to assessments and/or other amounts allegedly due association(s).*
13. *In addition to the amounts awarded above, Plaintiff shall be entitled to reasonable additional advances made by the Plaintiff subsequent to the date hereof, which are proper under the terms of the note and mortgage foreclosed herein (e.g., property taxes, insurance, property preservation), including reasonable attorney's fees and costs incurred.*

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, YOU MUST FILE A CLAIM WITH THE CLERK NO

LATER THAN THE DATE THAT THE CLERK REPORTED THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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 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 1-888-582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Indian River County, Florida, this 26th day of February, 2024.

eSigned by Judge Cynthia L. Cox 02/26/2024 10:57 am
CIRCUIT JUDGE

Plaintiff shall serve all parties named on the service list
MILLER, GEORGE & SUGGS, PLLCESERVICE@MGS-LEGAL.COM
ALICE GROVE329 14TH PL SWVERO BEACH FL 32962
MERS, AS NOMINEE FOR LEHMAN BROTHERS BANK, FSB, A FEDERAL SAVINGS
BANK c/o CT as RA, 1200 SOUTH PINE ISLAND ROAD PLANTATION FL 33324