

Filing # 197368794 E-Filed 05/01/2024 10:28:45 AM

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

**WELLS FARGO BANK, N.A.,
Plaintiff(s)**

CASE NO.: 312023CA000070XXXXXX

vs.

**THE UNKNOWN HEIRS, DEVISEES,
GRANTEES, ASSIGNEES, LIENORS,
CREDITORS, TRUSTEES OR OTHER
CLAIMANTS CLAIMING BY, THROUGH,
UNDER, OR AGAINST MICHAEL G. DENIS
AKA MICHAEL GEORGE DENIS AKA
MICHAEL DENIS, DECEASED.; OLGA
DENIS, AS PERSONAL
REPRESENTATIVE TO THE ESTATE OF
MICHAEL G. DENIS AKA MICHAEL
GEORGE DENIS AKA MICHAEL DENIS,
DECEASED; OLGA DENIS AKA OLGA
BLOCK; COREY DENIS; MAGGIE DENIS;
THE UNKNOWN TRUSTEE OF THE
MICHAEL G. DENIS AKA MICHAEL
GEORGE DENIS AKA MICHAEL DENIS,
TESTAMENTARY TRUST; THE UNKNOWN
BENEFICIARIES OF THE MICHAEL G.
DENIS AKA MICHAEL GEORGE DENIS
AKA MICHAEL DENIS, TESTAMENTARY
TRUST; WAVERLY PLACE
HOMEOWNERS' ASSOCIATION, INC. FKA
TROPIC VILLAS SOUTH HOMEOWNERS
ASSOCIATION, INC.;
Defendant(s).**

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE was heard before the Court on May 1, 2024, and on the evidence presented and being otherwise duly advised in the premises

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** There is no dispute of material facts and Plaintiff is entitled to entry of final judgment.

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 to be **\$44,302.62**. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$62,154.07, 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 to 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 and Owing.** Plaintiff, Wells Fargo Bank, N.A., located at 3476 Stateview Blvd, Fort Mill, SC 29715 is due:

| | |
|--|--------------------|
| Principal due on the note secured by the mortgage foreclosed: | \$44,302.62 |
| Interest on the note and mortgage from July 1, 2022 to March 6, 2024 | \$3,908.26 |
| Interest from March 7, 2024 to May 1, 2024 | \$350.35 |
| Taxes | \$4,425.82 |
| Late Charges | \$14.50 |
| Hazard Insurance | \$545.00 |
| Attorney's Fees | \$4,450.00 |
| | |
| <u>Court Costs</u> | |
| Complaint Filing Fee | \$696.50 |
| Service of Process | \$1,251.00 |
| Notice of Action Publication | \$781.52 |
| Heir Search | \$1,208.50 |
| Title Search | \$155.00 |
| Title Search Update | \$65.00 |
| | |
| TOTAL | \$62,154.07 |

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 the 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:

VILLA 1-A OF TROPIC VILLAS SOUTH, A FEE SIMPLE TOWNHOUSE, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 14, VERO LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 19, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA; RUN NORTH ALONG THE EAST LINE OF THE AFORESAID LOT 14 AND LOT 13 A DISTANCE OF 472.50 FEET TO A POINT WHICH LIES 185.00 FEET SOUTH OF THE NORTH LINE OF LOT 13 (ALSO BEING THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 33 SOUTH, RANGE 39 EAST); THENCE RUN SOUTH 89 DEGREES 56' WEST ALONG A LINE THAT LIES 185.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF AFORESAID LOT 13 (ALSO BEING THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 33 SOUTH, RANGE 39 EAST) A DISTANCE OF 1215.57 FEET; THENCE RUN SOUTH AND PERPENDICULAR TO THE NORTH LINE OF LOT 13 A DISTANCE OF 83.67 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING RUN NORTH AND PERPENDICULAR TO THE NORTH LINE OF LOT 13 A DISTANCE OF 38.67 FEET; THENCE RUN WEST AND PARALLEL TO THE NORTH LINE OF LOT 13 A DISTANCE OF 32.67 FEET; THENCE RUN SOUTH AND PERPENDICULAR TO THE NORTH LINE OF LOT 13 A DISTANCE OF 38.67 FEET; THENCE RUN EAST AND PARALLEL TO THE NORTH LINE OF LOT 13 A DISTANCE OF 32.67 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ALL TERMS AND CONDITIONS CONTAINED IN THAT CERTAIN DECLARATION OF PARTY FACILITIES FOR TROPIC VILLAS SOUTH DATED JANUARY 16, 1981 AND RECORDED JANUARY 22, 1981 IN OFFICIAL RECORD BOOK 615, PAGES 1950 THROUGH 1960, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

TOGETHER WILL ALL THE RIGHTS AND SUBJECT TO THE OBLIGATIONS, TERMS AND PROVISIONS IMPOSED BY THAT DECLARATION AS RECORDED IN OFFICIAL RECORD BOOK 615, PAGE 1961 THROUGH 1996, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

Property address: 595 N TROPIC LN VERO BEACH FL 32960

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 the Court shall sell the subject property at public sale on **AUGUST 1, 2024**, to the highest bidder for cash except as prescribed in Paragraph 7 <https://www.indian-river.realforeclose.com> at 10:00AM 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 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 that the original proof of publication is filed in 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 top 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 must 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, 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 must 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 the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the 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 property and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes shall be terminated, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon filing the certificate of title, the person named on the certificate of title shall be let into possession of the property, subject to the rights of a tenant occupying residential premises pursuant to section 83.5615, Florida Statutes.
10. **Right of Possession.** Upon filing 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 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 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, INDIAN RIVER COUNTY CLERK OF COURT

INDIAN RIVER COUNTY COURTHOUSE

ATTN: CIVIL DEPARTMENT

2000 16TH AVE.

VERO BEACH, FL 32960 (TELEPHONE: 772-770-5185 1-2-1) 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 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 FRIDA 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 DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order from this court.

DONE AND ORDERED on May 1, 2024 at Vero Beach, Florida.

eSigned by Judge Cynthia L. Cox 05/01/2024 9:52 am

CYNTHIA L. COX, Circuit Judge

Copies furnished by e-portal to:

Albertelli Law P.O. Box 23028 Tampa, FL 33623 eService: ervealaw@albertellilaw.com

Olga Denis, as Personal Representative to the estate of Michael G. Denis aka Michael George Denis aka Michael Denis, deceased C/O Glenn B. Grevengoed, Esq 3730 7TH TERRACE, SUITE 202 VERO BEACH, FL 32960

Olga Denis aka Olga Block 846 35TH AVE VERO BEACH, FL 32960 4089

Corey Denis, 409 TERRACE STREET, SHEFFIELD, AL 35660

Maggie Denis, 596 AZALEA LANE APT. 15, VERO BEACH, FL 32963 @
maggie.denis@yahoo.com

Waverly Place Homeowners' Association, Inc. fka Tropic Villas South Homeowners Association, Inc. c/o David Y. Klein, Esq. 5550 Glades Road, Suite 630 Boca Raton, FL 33431 E-Serve 1:
Dklein@mklawpl.com