

Filing # 202217384 E-Filed 07/10/2024 11:15:33 AM

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

Lakeview Loan Servicing, LLC
Plaintiff,

V.

CASE NO. 312024 CA 000085

William Simmons; Sheila Simmons; Vero
Beach Highlands Property Owners' Association
Inc.; Unknown Parties in Possession #1, if
living, and all Unknown Parties claiming by,
through, under and against the above named
Defendant(s); Unknown Parties in Possession
#2, if living, and all Unknown Parties claiming
by, through, under and against the above
named Defendant(s)
Defendants.

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the court on **July 10, 2024**, and on the evidence presented, argument of Plaintiff's counsel and being otherwise duly advised in the premises,

IT IS THUS ORDERED AND ADJUDGED that:

1. **Motion Granted.** There is no dispute of material facts and Plaintiff's motion for summary judgment is granted.
2. **Amounts Due.** Plaintiff, **Lakeview Loan Servicing, LLC, C/O Nationstar Mortgage LLC, 8950 Cypress Waters Boulevard, Coppell, TX 75019**, is due:

Principal	\$221,714.70
Interest on the note and mortgage from January 1, 2023 to April 15, 2024	\$12,140.02
Per month interest at \$785.24 to July 31, 2024	\$2,355.72
Title search expense	\$0.00
Taxes	\$3,231.50
Insurance premiums	
Hazard Insurance	\$3,627.57
Mortgage Insurance (PMI)	\$2,442.60
Property Inspections:	\$560.00
Appraisals	\$490.00
Escrow Credits	(\$1,002.78)
Pro Rata MIP	\$149.50
County Recording Fee	\$11.00

Attorney's fees	
Other *	\$4,350.00
(* The requested attorney's fee is 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.)	
Additionally, flat fee for Notice of Dropping Party	\$50.00
for \$50.00	
Attorneys' fees total	\$4,400.00
Court costs	
Filing fee/ Statutory Convenience Fee	\$969.00
Service of Process at	
\$158.00 / William Simmons	
\$158.00 / Sheila Simmons	
\$79.00 / Vero Beach Highlands Property	
Owners' Association Inc.	\$553.00
\$79.00 / Unknown Parties in Possession #1	
n/k/a Andrea Cookley	
\$79.00 / Unknown Parties in Possession #2	
Additional Costs	
Late Charges	\$182.09
Clerk Cost Sale Fees	\$140.00
Expert Affidavit Cost	\$5.00
Subtotal	\$251,968.92
LESS: Escrow Balance	(\$0.00)
TOTAL	\$251,968.92

3. **Interest.** The total amount in Paragraph 2 must bear interest from this date forward at the prevailing statutory rate of interest.

4. **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 20, BLOCK 79, VERO BEACH HIGHLANDS- UNIT THREE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE(S) 41, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA. Property Address: **1815 8th Avenue Southwest, Vero Beach, FL 32962**

5. **Sale of Property.** If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court must sell the property at public sale on **AUGUST 27, 2024** to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at **Indian River County beginning at 10:00 a.m.** www.indian-river.realeforeclose.com **The public sale must 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 must 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.

6. **Costs.** Plaintiff must advance all subsequent costs of this action and must 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 must be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, plaintiff must 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 must receive the service charge imposed in Section 45.031, Florida Statutes.

7. **Distribution of Proceeds.** On filing the certificate of title, the clerk must 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 2 from this date to the date of the sale; and by retaining any remaining amount pending further order of this court.

8. **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 must be foreclosed of all estate or claim in the property, and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes, must be terminated, except as to the rights of a bona fide tenant occupying residential premises under the federal Protection Tenants at Foreclosure Act, 12 U.S.C. sec. 5220, note, or section 83.5615, Florida Statutes, and claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.

9. **Right of Possession.** On the filing of the certificate of title, the person named on the certificate of title must be let into possession of the property subject to the rights of a bona fide tenant occupying residential premises under the Federal Protecting at Foreclosure Act, 12 U.S.C. sec 5220, note, or section 83.5615, Florida Statutes. If any defendant or tenant remains in possession of the property, an Order Granting the Motion For Writ of Possession must be entered without further notice or hearing, subject to the purchaser's compliance with Section 83.5615, Florida Statutes.

10. **Attorneys' 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.

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.

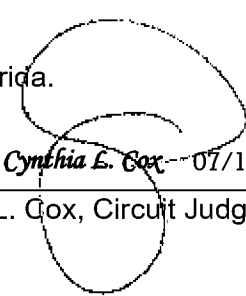
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT. IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM 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, 2000 16TH AVENUE, CIVIL DEPARTMENT, ROOM 136, VERO BEACH, FL 32960, (772) 226-3100, 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 FLORIDA RURAL LEGAL SERVICE – FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FLORIDA 34948, (772) 466-4776, 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 SERVICE – FORT PIERCE OFFICE, (772) 466-4776, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED on July 10, 2024 at Vero Beach, Florida.


eSigned by Judge Cynthia L. Cox 07/10/2024 10:37 am

Cynthia L. Cox, Circuit Judge

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

LOGS Legal Group LLP, FLeService@logs.com

COUNSEL FOR PLAINTIFF SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:

LOGS LEGAL GROUP LLP, 750 Park of Commerce Blvd., Suite 130, Boca Raton, FL 33487

William Simmons, 1815 8th Avenue Southwest, Vero Beach, FL 32962

Sheila Simmons, 1815 8th Avenue Southwest, Vero Beach, FL 32962

Vero Beach Highlands Property Owners' Association Inc., c/o Kimberly Beattie, 625 Highland Drive SW, Vero Beach, FL 32962

Unknown Parties in Possession #1 n/k/a Andrea Cookley, 1815 8th Avenue Southwest, Vero Beach, FL 32962

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