

Filing # 212140711 E-Filed 12/04/2024 11:25:27 AM

IN THE 19<sup>th</sup> JUDICIAL CIRCUIT COURT IN AND FOR  
INDIAN RIVER COUNTY, FLORIDA

SIMPLE LENDING, LLC,

CIRCUIT CIVIL DIVISION

*Plaintiff,*

v.

CASE NUMBER: 31-2024-CA-000355

3784 LLC, A FLORIDA LIMITED LIABILITY  
COMPANY; WARREN TAYLOR; HUGH GARY  
EBANKS, and JOHN DOE AND ALL OTHERS  
IN POSSESSION,

*Defendants.*

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**AGREED FINAL JUDGMENT OF FORECLOSURE**

**THIS ACTION** was heard before the Court on December 4, 2024 via Zoom hearing on Plaintiff's Motion for Summary Judgment of Foreclosure and being otherwise duly advised in the premises,

**IT IS ORDERED AND ADJUDGED** that:

1. **Motion Granting Final Judgment.** The parties have agreed to entry of the Judgment herein.

2. **Amounts Due.** Plaintiff, SIMPLE LENDING, LLC, is due:

PRINCIPAL DUE ON NOTE AND MORTGAGE	\$ 2,150,000.00
Default Interest from 2/01/2024 to 12/4/2024	\$ 453,560.80
Unpaid Late Charges	\$ 4,434.37
NSF Payment	\$ 3,870.66
Certified Mail	\$ 10.16
NOA Posting	\$ 200.00
Demand Fee	\$ 50.00
Wire Fee	\$ 15.00
Recording Fee	\$ 14.75
Attorney's Fees	\$ 11,578.50
Costs	\$ 3,600.45
(Less Trust Account Balance	\$ 13,623.39)
<b>TOTAL</b>	<b>\$ 2,613,711.30</b>

3. **Interest.** The total amount in paragraph 2 must bear interest from this date forward at 9.50%, the current 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 Nassau County, Florida:

LOT 11, LESS THE NORTH 10 FEET THEREOF, AND ALL OF LOT 10, BLOCK 2, OSCEOLA PARK HOME SITES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 58, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA. A/K/A: 1934 22<sup>ND</sup> AVENUE, VERO BEACH, FL 32960A/K/A PARCEL ID: 33390200016002000010.0

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 **FEBRUARY 20, 2025** 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.realforeclose.com](http://www.indian-river.realforeclose.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. **Attorney Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff that 21.8 hours have been reasonably expended by Daniel J. Mendez, 0.0 hours have been reasonably expended by Sergio L. Mendez, 4.5 hours have been reasonable expended by the Paralegal as judgment and post judgment fees in this cause and is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).

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 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 16<sup>TH</sup> 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 December 4, 2024 at Vero Beach, Indian River County, Florida.

*eSigned by Judge Cynthia L. Cox* 12/04/2024 10:00 am  
 CYNTHIA L. COX, Circuit Judge

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

BENJAMIN HAYNES, ESQ. Counsel for Defendant 3784LLC, A FLORIDA LIMITED LIABILITY COMPANY, and WARREN TAYLOR [ben@hayneslegalgroup.com](mailto:ben@hayneslegalgroup.com)  
 Bruce A. Goodman, Esq. Counsel for Defendant Hugh Gary Ebanks [bruce@bgoodmanlaw.com](mailto:bruce@bgoodmanlaw.com)  
**COUNSEL FOR PLAINTIFF SHALL IMMEDIATELY SERVE A COPOY OF THIS ORDER ON THE FOLLOWING PARTIES AND EFILE CERTIFICATE OF SERVICE IN THIS COURT FILE:**

John doe n/k/a Carilina Lopez 1934 22<sup>nd</sup> Avenue Vero Beach, FL 32960  
 All Others in Possession 1934 22<sup>nd</sup> Avenue Vero Beach, FL 32960