

Filing # 221294968 E-Filed 04/17/2025 10:44:28 PM

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

**THE SECRETARY OF THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT, an
agency of the UNITED STATES OF AMERICA,**

Plaintiff,

vs.

CASE NO. 31-2024-CA-000222

312024CA000222AXXXVB

**JEM LAND INVESTMENTS, LLC; the Unknown,
Heirs, Beneficiaries, Devisees, Grantees,
Assignees, Lienors, Creditors, Trustees and all
Others Who May Claim an Interest in the ESTATE
OF NORMAN M. CARTER, deceased by virtue of
any interest in the subject property; PORPOISE
BAY VILLAS CONDOMINIUM ASSOCIATION,
INC., JOHN DOE as Unknown Tenant, and JANE
DOE as Unknown Tenant,
Defendants.**

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on **April 16, 2025** 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's motion for summary judgment is granted. On the evidence presented, the Court finds Plaintiff proved its prima facie case for foreclosure: (1) execution of a note and mortgage; (2) breach of the note and mortgage; (3) acceleration; and (4) damages. Plaintiff had standing to foreclose pursuant to § 673.3011(3), Florida Statutes. The Court further finds Defendants have not proven any avoidances to the entry of final summary judgment of foreclosure.

2. Amounts Due. Plaintiff, **THE SECRETARY OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, an agency of the UNITED STATES OF AMERICA, c/o Becker & Poliakoff, 2525 Ponce De Leon Blvd., Suite 825, Coral Gables, FL 33134**, is due:

Principal	\$304,160.62
Interest on the note and mortgage through February 4, 2025	177,004.91
Per diem interest at 5.980% from February 5, 2025 to April 16, 2025	6,489.40
Service Fees	6,790.00
Mortgage Insurance Premium	32,504.22
Title search expense	150.00
Attorneys' fees	

Finding as to reasonable number of hours (20.6)	
Finding as to reasonable hourly rate (\$145-\$350)	
Attorneys' fees total	5,841.00
Court costs	
Filing fee	2,114.00
Service of Process	447.00
Publication for Notice of Action	21.27
Additional Costs	
Fedex/Postage	270.00
Guardian Ad Litem	1,590.00
Michael Perse, Esq. (Expert Fee)	150.00
TOTAL	\$537,532.42

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:

Unit No. 301-C of Porpoise Bay Villas f/k/a Porpoise Bay Villas Phase III, a Condominium, according to The Declaration of Condominium recorded in O.R. Book 633, Page 2349, as Amended and Restate in O.R. Book 1451, Page 737, and all exhibits and amendments thereof, Public Records of Indian River County, Florida. APN #33-40-21-00015-0301-00003/0 Street Address: 300 Harbour Drive, Apt 301C, Vero Beach, FL 32963

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 **MAY 29, 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** **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 court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the plaintiff that 20.6 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$145.00-\$350.00 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 under Florida Patients Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985). (If the court has found that there are reduction or enhancement factors to be applied, then such factors must be identified and explained herein).

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. Lost Note. The Court finds that the Plaintiff has re-established the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes. Plaintiff must hold the Defendant(s) maker of the note harmless and must indemnify Defendant(s) from any loss they may incur by reason of a claim by any other person to enforce the lost note. Adequate protection is provided as required by Section 673.3091, Florida Statutes, by the following means: letter of indemnification. Judgment is hereby entered in favor of Plaintiff as to its request to enforce the lost note.

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 April 17, 2025 at Vero Beach, Indian River County, Florida.

eSigned by Judge Cynthia L. Cox 04/17/2025 10:43 pm
CYNTHIA L. COX, Circuit Judge

COPIES VIA E-FILING PORTAL:

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PLAINTIFF'S COUNSEL SHALL IMMEDIATELY SERVE AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: Jem Land Investments, LLC Kelly Miller, Registered Agent 9315 Frangipani Dr Vero Beach, FL 32963