

Filing # 221169837 E-Filed 04/16/2025 03:06:42 PM

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

**TRUIST BANK, as successor by merger to
SUNTRUST BANK,
Plaintiff,**

CASE NO. 31-2024-CA-000165

v.

**TRACEY W.L. SCARBOROUGH A/K/A TRACEY
SCARBOROUGH, UNKNOWN SPOUSE OF
TRACEY W.L. SCARBOROUGH A/K/A TRACEY
SCARBOROUGH, TWLS 2045, LLC, A FLORIDA
LIMITED LIABILITY COMPANY, BOARD OF
COUNTY COMMISSIONERS OF INDIAN RIVER
COUNTY, FLORIDA, UNKNOWN TENANT #1,
UNKNOWN TENANT #2, and all unknown parties
claiming an interest by, through, under or against
any Defendant, or claiming any right, title, and
interest in the subject property,
Defendants.**

_____ /

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE was heard before the Court for trial on April 16, 2025 and after hearing sworn testimony, receiving evidence, hearing argument of counsel and being otherwise duly advised in the premises, finds that the Plaintiff's attorney and Susannah Carter of Truist Bank, appeared at the hearing along with Robert L. Stringer, Jr., who purportedly filed a lien against the property on April 8, 2025 (post lis pendens), but whom is neither a named party nor been given the right to intervene and further finds:

A. There is no dispute of material facts and Plaintiff is entitled to entry of final judgment.

B. Plaintiff proved its prima facie case for foreclosure: (1) execution of a home equity line of credit and mortgage; (2) breach of the home equity line of credit and mortgage; (3) acceleration; and (4) damages.

C. Plaintiff had standing to foreclose by virtue of being the successor by merger to the original lender under a home equity line of credit agreement secured by a mortgage.

D. Defendants have not proven any avoidances.

E. Defendant was served Plaintiff's First Request For Admissions 1-17 on December 23, 2024. Defendant failed to respond and said admissions were deemed admitted.

IT IS THUS ORDERED AND ADJUDGED as follows:

1. Plaintiff, TRUIST BANK, 1001 Semmes Avenue, Richmond, Virginia 23224, is due:

Principal	\$ 50,055.35
Interest on the note and mortgage through 4/13/2025	\$ 5,427.66
Per diem interest at \$6.84/day from 4/14/25 to 4/16/25	\$ 20.52
Title Search	\$ 250.00
Attorneys' fees	
Fannie Mae flat fee - \$6,100.00	\$ 1,500.00 ¹
Court Costs	
Filing fees	\$ 1,123.50
Service of Process at \$58.90 per defendant	\$ 355.20
TOTAL	\$ 58,732.23

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

Lot 5, Block 4, Westgate Colony Subdivision, according to the map or plat thereof as recorded in Plat Book 4, Page 94, Public Records of Indian River County, Florida. Property address: 2046 79th Ave, Vero Beach, FL 32966

3. **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:

4. **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 **JUNE 16, 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, in accordance with section 45.031, Florida Statutes. **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

¹Without further evidence of the reasonableness of the fees, the Court awards 3% and reserves jurisdiction to determine additional reasonable fees.

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.

5. **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.

6. **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.

7. **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 Protecting 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.

8. **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 Tenants 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.

9. **Attorneys' Fees.** The requested attorneys' fees are a flat rate fee that the firm's client has agreed to pay in this matter. The Court awarded 3% and had no other evidence of hourly rate or hours incurred and reserved jurisdiction to determine additional fees and costs.

10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, 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, INDIAN RIVER COUNTY, 2000 16TH AVENUE, VERO BEACH, FLORIDA 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 16, 2025, at Vero Beach, Indian River County, Florida.

eSigned by Judge Cynthia L. Cox 04/16/2025 2:05 pm

CYNTHIA L. COX, Circuit Judge

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

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