

Filing # 230395712 E-Filed 08/27/2025 09:50:15 PM

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

**U.S. BANK TRUST NATIONAL  
ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY BUT SOLELY  
AS TRUSTEE OF CONIFER  
MORTGAGE TRUST IV,  
Plaintiff,**

**CASE NO. 31-2024-CA-000433  
312024CA000433AXXXVB**

**vs.**

**JOSHUA KABAT; KIARAN KABAT;  
JOSH LEFKOVITZ; TRILLIUM  
HOMEOWNERS' ASSOCIATION, INC.;  
ANY AND ALL UNKNOWN PARTIES  
CLAIMING BY, THROUGH, UNDER,  
AND AGAINST THE HEREIN NAMED  
INDIVIDUAL DEFENDANT(S) WHO  
ARE NOT KNOWN TO BE DEAD OR  
ALIVE, WHETHER SAID UNKNOWN  
PARTIES MAY CLAIM AN INTEREST  
AS SPOUSES, HEIRS, DEVISEES,  
GRANTEES, OR OTHER CLAIMANTS,  
Defendant(s).**

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**CONSENT FINAL JUDGMENT OF FORECLOSURE**

**THIS CAUSE** came before the Court on **August 27, 2025** and on the stipulation to judgment of foreclosure filed August 18, 2025 (DE 80), evidence presented and after reviewing the court file and being otherwise duly advised in the premises, it is

**ORDERED AND ADJUDGED that:**

**1. Final Judgment.** The parties have consented to entry of this final judgment and Plaintiff is entitled to entry of the Final Judgment.

**2. Amounts Due.** Plaintiff, MCLP ASSET COMPANY, INC. 75 Beattie Place, Suite 300, Greenville, SC 29601, is due:

Principal:	\$308,871.10
Interest on the note and mortgage from <b>August 1, 2023 to August 27, 2025</b>	\$56,777.30
Escrow Balance at Loan Transfer	\$6,118.58
Pre-Accelerated Late Charges	\$1,114.38

Insurance	\$2,465.70
Taxes	\$5,204.05
FC Costs	\$295.00
Property Inspection	\$96.49
BPO/Appraisal Cost	\$321.00
NSF Fees	\$120.00
<u>Attorneys' Fees:</u>	
Finding as to reasonable number of hours: 28.10	
Finding as to reasonable hourly rate: \$300.00	
Flat Fee: \$5,400.00	
Document Preparation: \$200.00	
Attorneys' Fee Total:	\$14,030.00
<u>Court Costs:</u>	
Filing Fee:	\$1,980.36
Service of Process:	\$777.00
Lis Pendens:	\$9.00
Publication:	\$17.22
<u>Additional Costs:</u>	
Skip Trace:	\$119.72
Summons:	\$40.00
Clerk Sale Costs:	\$140.00
<b>GRAND TOTAL</b>	<b>\$398,496.90</b>

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 4, BLOCK 3, DREXEL PARK RESIDENTIAL SUBDIVISION,  
ACCORDING TO THE MAP OR PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 23, PAGE(S) 65 THROUGH 67,  
INCLUSIVE, OF THE PUBLIC RECORDS OF INDIAN RIVER  
COUNTY, FLORIDA. Property Address: 2776 W BROOKFIELD  
WAY, VERO BEACH, FL 32966**

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 **November 26, 2025**, to the highest bidder for cash, except as prescribed in Paragraph 6, by electronic sale at Indian River beginning at **10:00 a.m.**, <http://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 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 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.

**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 presented and upon inquiry of counsel for the Plaintiff, that the flat fee of \$5,400.00 plus the fee of \$200.00 for Attorney's Document Preparation is reasonable and appropriate for the Plaintiff's counsel's attorney's fees. Furthermore, the Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 28.10 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$300.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reasons for either reduction or enhancement pursuant to *Florida Patient's Compensation Funds v. Rowe*, 472 So. 2d 1145 (Fla. 1985), and the Court therefore has awarded reasonable attorney's fees in the amount indicated in paragraph 1 of this Judgment.

**11. Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment (**if sought and if appropriate**), writs of possession and such supplemental relief or judgments as may be appropriate, **including orders granting leave to file supplemental and/or amended pleadings to add additional parties, and orders resolving any disputes with respect to assessments and/or other amounts allegedly due associations.**

**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 THIS FINAL JUDGMENT.**

**IF YOU ARE A SUBORDINATE LIEN HOLDER 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 the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the following paragraphs shall apply:

**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 INDIAN RIVER COUNTY CLERK OF THE COURT, 2000 16TH AVENUE, VERO BEACH, FL 32960, (772-770-5185); 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 HELP TO 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 - FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 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 August 27, 2025 at Vero Beach, Indian River County, Florida.

*eSigned by Judge Cynthia L. Cox* 08/27/2025 9:29 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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