

Filing # 255410379 E-Filed 08/21/2026 02:47:52 PM

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

**LAKEVIEW LOAN SERVICING, LLC;
Plaintiff(s),**

CASE NO. 31 2025 CA 000 671

v.

**ELIZABETH CABRERA; IVAN L. BETANCOURT;
FLORIDA HOUSING FINANCE CORPORATION;
UNKNOWN TENANT #1 IN POSSESSION OF THE
PROPERTY; UNKNOWN TENANT #2 IN
POSSESSION OF THE PROPERTY;
Defendant(s).**

FINAL JUDGMENT OF FORECLOSURE

THIS CASE came before the Court for nonjury trial on August 21, 2026 and on the evidence presented (DE 86), hearing argument of counsel and being otherwise duly advised in the premises, it is thus

ORDERED AND ADJUDGED that:

1. **Final Judgment.** There is no dispute of material facts and Plaintiff is entitled to entry of final 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(1), Florida Statutes. The Court further finds Defendants have not proven any avoidances to the entry of final summary judgment of foreclosure.

2. **Value of Claim.** At the initiation of this action, in accordance with Fl. Stat. § 28.241(1)(a)2.b, Plaintiff estimated the amount in controversy of the claim to be **\$288,175.73**. In accordance with Fl. Stat. § 28.241(1)(a)2.c, the Court identifies the actual value of the claim to be **\$342,322.46**, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the graduated filing fee scale in Fl. Stat. § 28.241(1)(a)2.d controls. If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the additional fee at least five (5) business days prior to the judicial sale. If any additional filing fee owed is not paid prior

to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. **Amounts Due.** Plaintiff, Lakeview Loan Servicing, LLC, is due:

Principal due on the note secured by the mortgage foreclosed:	\$274,243.73
Interest from 01/01/25 to 08/21/26 (Per Diem \$53.53; at 7.125%)	\$32,008.75
Pro Rata MIP/PMI	\$111.17
Escrow Advances	\$18,154.32
Miscellaneous Fees	\$20.00
Late Charges	\$675.81
NSF Charges	\$60.00
Corporate Advances	\$4,316.53
Attorney's Fees ¹	\$8,227.31
Attorney's Costs	\$4,504.84
GRAND TOTAL	\$342,322.46

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

5. **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:

**THE NORTH 1/2 OF LOTS 7 AND 8, BLOCK E, CLEMAN ESTATES
UNIT NO. 2, ACCORDING TO THE MAP OR PLAT THEREOF, AS
RECORDED IN PLAT BOOK 3, PAGE(S) 66, OF THE PUBLIC RECORDS
OF INDIAN RIVER COUNTY, FLORIDA. PROPERTY ADDRESS: 215
36TH AVE, VERO BEACH, FL 32968**

6. **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 **SEPTEMBER 25, 2026** to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at **Indian River 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**

¹Reduced to 3% see paragraph 11

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.

7. **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.

8. **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.

9. **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.

10. **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.

11. **Attorneys' Fees.** The requested attorneys' fees are a flat fee of \$10,425.00. The requested fees exceed 3% of the principal amount. Pursuant to *MacDonnell v. US Bank*, 293 So. 3d 585 (Fla. 2d DCA 2020), it is not necessary for the Court to hold a hearing if Defendants have defaulted and the requested fees do not exceed 3% of the principal amount. Otherwise, the Plaintiff must demonstrate a reasonable fee. See *Farrington v. Carrington Mortgage*, 404 So. 3d 611 (Fla. 2d DCA 2025). The Court reserves jurisdiction to determine additional fees after considering a reasonable hourly rate and the time incurred in this matter. See *Raza v. Deutsche Bank*, 100 So. 3d 121 (Fla. 2d DCA 2012).

12. **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.

13. **Assignment of Bid.** Plaintiff, through its counsel, may assign its credit bid to third parties without further order of the Court. Should Plaintiff and/or Plaintiff's assignee successfully bid at the foreclosure sale, the Clerk of Courts shall honor the assignment of credit bid and shall issue a certificate of title in favor of the Plaintiff's assignee without further order of the Court.

14. **FHA Loan:** Under the terms of the Note and Mortgage, interest on the principal balance accrued monthly on the first day of each month.

15. **Reformation of Deed & Mortgage:** This Court has determined that the legal description contained within (i) the deed related to real property located at 215 36th Ave, Vero Beach, FL 32968, which deed was recorded on August 18, 2023, in the Indian River County official records, Book:3644, Page: 567; and (ii) the mortgage given by ELIZABETH CABRERA, IVAN L. BETANCOURT, to the payee named thereon executed on August 17, 2023, and recorded in Official Records Book 3644 at Pages 569 of the Public Records of Indian River County, Florida were incorrect. The legal description of the mortgage & deed shall hereby be reformed to reflect the correct legal description, and shall hereafter be referred to by the following legal description: **THE NORTH 1/2 OF LOTS 7 AND 8, BLOCK E, CLEMAN ESTATES UNIT NO. 2, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE(S) 66, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.**

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 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 – 10570 S. US HIGHWAY 1, THIRD FLOOR, PORT ST. LUCIE, FLORIDA 34952, 772-466-4766, 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 – TREASURE COAST OFFICE, (772) 466-4766, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

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, VERO BEACH, FL 32960 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.

DONE AND ORDERED on August 21, 2026, at Vero Beach, Indian River County, Florida.

eSigned by Judge Cynthia L. Cox 08/21/2026 2:44 pm
CYNTHIA L. COX, Circuit Judge

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL: Marinosci Law Group, P.C., Attorneys For Plaintiff, 100 West Cypress Creek Road, Suite 1045, Fort Lauderdale, FL 33309, servicefl@mlg-defaultlaw.com , servicefl2@mlg-defaultlaw.com Ethan S. Katz, Esq., Assistant General Counsel, Counsel For Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, efiling@floridahousing.org, ethan.katz@floridahousing.org
COUNSEL FOR PLAINTIFF SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: Elizabeth Cabrera, 2156 SW Quarry Street, Port St. Lucie, FL 34953, elizabethca986@gmail.com
Ivan L. Betancourt, 417 SW College Park Road, Port St. Lucie, FL 34953