

Filing # 256738472 E-Filed 09/10/2026 08:41:04 AM

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

INDIAN RIVER COUNTY, FLORIDA,
a political subdivision of the State of Florida,

CASE NO. 31-2025-CA-000856

Plaintiff,
v.

312025CA000856AXXXVB

**RAYMOND ARREOLA; MARIA ARREOLA;
UNKNOWN OCCUPANT NO.1; AND
UNKNOWN OCCUPANT NO. 2,**

Defendants.

FINAL JUDGEMENT OF FORECLOSURE

THIS CAUSE came before the Court on Plaintiff's Motion for Final Judgment of Foreclosure filed September 3, 2026 (DE 31) and on the record and evidence presented and after reviewing the Court file and being otherwise duly advised in the premises, finds that Defendants were duly served with the Complaint, but failed to respond. On February 16, 2026, a Clerk's Default was entered against Defendants, which constitutes an admission of all well-pled factual allegations in the Complaint. *See* Fla. R. Civ. P. 1.110(e); *Phadael v. Deutsche Bank Trust Co. Ams.*, 83 So.3d 893, 895 (Fla. 4th DCA 2012). A clerk's default operates "as an admission of the truth of the well pleaded allegations of the pleading, except those concerning damages," and "entitles the plaintiff to all liquidated damages, but not to unliquidated damages." *City of Fellsmere v. Almanza*, 380 So. 3d 1199, 1202 (Fla. 4th DCA 2024). Because the well-pled allegations of the Complaint—admitted by the Clerk's Default—establish the recording and validity of the County's code enforcement lien under section 162.09(3), Florida Statutes, Plaintiff is entitled to a final judgment of foreclosure on those admitted allegations, and no trial or further evidentiary hearing as to liability is required. *See id.*; *Fla. Bar v. Porter*, 684 So. 2d 810, 813 n.4 (Fla. 1996) (a default "precludes [the defaulted] party from contesting the existence of the plaintiff's claim and liability thereon"). The Court further finds that the unpaid code enforcement fine is a *liquidated* sum. Damages are liquidated where "the proper amount to be awarded can be determined with exactness from the cause of action as pleaded." *Bodygear Activewear, Inc. v. Counter Intel. Servs.*, 946 So. 2d 1148, 1150 (Fla. 4th DCA 2006); *accord City of Fellsmere v. Almanza*, 380 So. 3d 1199, 1203 (Fla. 4th DCA 2024). The Order Imposing Fine recorded in Official Records Book 3667, Page 1318, imposes a continuing civil penalty of \$100.00 per day, and thereby supplies the rate and the accrual date from which the total is fixed by simple arithmetical calculation. A per-diem code enforcement fine set by a recorded order is a liquidated damage because the order "provided the calculation by which the trial court was to determine the fine amount." *City of Fellsmere*, 380 So. 3d at 1203; *see Miami Beverly, LLC v. City of Miami*, 225 So. 3d 989, 992–93 (Fla. 3d DCA 2017)

(“Because the liens attached to the complaint specified the daily accrual rates, and the calculation of the damages was based upon a simple arithmetical calculation, the damages were ... liquidated damages.”). Because the fine is liquidated, the Clerk’s Default entitles Plaintiff to entry of this Judgment on the admitted allegations [\$100/day x 1019 days] without any further proof of damages. *See MacDonnell v. U.S. Bank N.A.*, 293 So. 3d 585, 588 (Fla. 2d DCA 2020) (“A trial court can enter a default judgment regarding liquidated damages without any further proof of damages.”).

IT IS THUS ORDERED AND ADJUDGED:

1. Amounts Due. Plaintiff, INDIAN RIVER COUNTY, FLORIDA (1801 27th Street, Vero Beach, FL 32960) is owed:

Unpaid Code Enforcement Fine (11/25/2023 – 09/9/2026).....	\$ 101,900.00
Attorney’s Fees.....	RESERVED
Taxable Costs.....	RESERVED
TOTAL AMOUNT DUE.....	\$ 101,900.00

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

3. Lien on Property. Plaintiff holds liens 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 16, Block D, Vero Lakes Estates, Unit “H”, according to the Plat thereof, recorded in Plat Book 5, Page 68, Public Records of Indian River County, Florida. Address: 8890 99th Ave., Vero Beach, FL 32967

4. Sale of Property. If the total sum with interest at the rate described in paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of this court must sell the property at public sale on **October 13, 2026** 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 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. Attorneys fees. Attorney's fees and taxable costs are **RESERVED**. Reasonable attorney's fees are unliquidated and require separate proof; the Court therefore does not adjudicate the entitlement to or amount of attorney's fees or costs in this Judgment. *See Asian Imports, Inc. v. Pepe*, 633 So. 2d 551, 553 (Fla. 1st DCA 1994); *MacDonnell*, 293 So. 3d at 590. The Court reserves jurisdiction to determine Plaintiff's entitlement to and the amount of attorney's fees and costs upon separate motion supported by competent evidence.

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 taxable costs as subsequently determined by the Court; second, documentary stamps affixed to the certificate; third, Plaintiff's attorneys' fees as subsequently determined by the Court; fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 3 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 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.

10. Jurisdiction Retained. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, the determination of Plaintiff's entitlement to and the amount of attorney's fees and taxable costs, a deficiency judgment, 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, 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.

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 SERVICES 1-888-582-3410 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 SERVICES 1-888-582-3410 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE and ORDERED in Indian River County, Florida, on September 9, 2026.

eSigned by Judge Cynthia L. Cox 09/09/2026 5:57 pm

CYNTHIA L. COX, Circuit Judge

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

D. Johnathan Rhodeback, Esq., DILL, EVANS & RHODEBACK, attorneys@dillevans.com

COUNSEL FOR PLAINTIFF SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:

Raymond Arreola
Maria Arreola
44 S Hickory St.
Fellsmere, FL 32948

Unknown Occupants
8890 99th Ave.
Vero Beach, FL 32967