

FJUD
IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO.: 10-23789CA01

BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP F/K/A COUNTRYWIDE HOME
LOANS SERVICING LP,

Plaintiff,

vs.

KATHRYN VILLALBA; UNKNOWN SPOUSE OF KATHRYN
VILLALBA, IF ANY; 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, GRANTEEES, OR OTHER CLAIMANTS; LAKE
PLACID CONDOMINIUM ASSOCIATION INC.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS INC. AS NOMINEE
FOR AEGIS WHOLESALE CORPORATION; TOWN OF MIAMI
LAKES, FLORIDA; JOHN DOE AND JANE DOE AS UNKNOWN
TENANTS IN POSSESSION

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on the Court's non-jury trial on April 24, 2015. On the evidence presented, **IT IS ORDERED AND ADJUDGED** that Plaintiff's Judgment is **GRANTED** against all Defendants listed by name: KATHRYN VILLALBA, LAKE PLACID CONDOMINIUM ASSOCIATION, INC., MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR AEGIS WHOLESALE CORPORATION., and TOWN OF MIAMI LAKES, FLORIDA.

1. **Amounts Due and Owning.** Plaintiff is due:

Principal due on the note secured by the mortgage foreclosed:	\$140,244.35
Interest on the note and mortgage from 11/01/19 through 04/21/15	\$ 27,861.49
Title Search Expenses	\$ 200.00
County Tax Payment for the year of 2009	\$ 964.08
County Tax Payment for the year of 2010	\$ 651.66
Flood Insurance Payment for the year of 2009	\$ 2,095.13
Flood Insurance Payment for the year of 2010	\$ 4,317.29
Property Inspections/Preservation	\$ 395.00
<u>Attorneys' Fees</u>	
Finding as to reasonable number of hours 9.70	
Finding as to reasonable hourly rate \$175.00	
Other*: 4,490.00	
Attorneys Fees Total	\$ 6,187.50

* (The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)

Court Costs, Now Taxed:

Service of Process	\$ 43.00
SUBTOTAL	\$182,959.50
Less: Escrow Balance	\$ (1,006.10)
GRAND TOTAL	\$181,953.40

2. **Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of interest, 4.75% per annum.
3. **Lien on Property.** Plaintiff, whose address is , , , holds a lien for the grand total sum to all claims or estates of the defendant(s), on the following described property Miami-Dade County, Florida:

CONDOMINIUM UNIT NO. D-16, BUILDING 13940, OF LAKE PLACID CONDOMINIUM, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM, THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 23611, PAGE 902, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH ALL APPURTENANCE THERETO, AND AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS OF THE SAID CONDOMINIUM.

PROPERTY ADDRESS: 13940 LAKE PLACID COURT #D16, MIAMI LAKES, FL 33014

4. **Sale of property.** If the grand total amount with interest at the rate described in Paragraph 2 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on JUN 12 2015, 2015, at 11:00 A.M. to the highest bidder for cash, except as prescribed in Paragraph 6, at Room 908, 140 West Flagler Street, Miami, Florida after having first given notice as required by Section 45.031, Florida Statutes, using the following method

By electronic sale beginning at 9:00 AM on the prescribed date at WWW.MIAMIDADE.REALFORECLOSE.COM

5. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall 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 shall be responsible for documentary stamps affixed to the certificate of title. If plaintiff is the purchaser, the Clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.
6. **Distribution of Proceeds.** On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorneys' fees; fourth, the total sum due to the 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 the further order of this Court.
7. **Right of Possession.** Upon filing of the Certificate of Sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property, except as to claims or rights under Chapter 718 or Chapter 720, Fla. Stat., if any. Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property, subject to the provisions of the "Protecting Tenant At Foreclosure Act of 2009."
8. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and to allow for a supplemental proceedings through a supplemental complaint to add a party or claim.

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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A 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 final judgment shall additionally contain the following statement in conspicuous type.)

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, 140 WEST FLAGLER STREET, ROOM 908, MIAMI, FLORIDA (TELEPHONE: (305) 375-5943), WITHIN TEN (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 THE LEGAL AID SOCIETY AT THE DADE COUNTY BAR ASSOCIATION, 123 N.W. FIRST AVENUE, SUITE 214, MIAMI, FLORIDA, (TELEPHONE: (305) 579-5733), 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 THE DADE COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

9. **Re-establishing the 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 shall hold the Defendant maker of the note harmless and shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost note. Since adequate protection is provided as required by Section 673.3091, Florida Statute, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note."
10. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff that 9.70 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$175.00 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 pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla.1985).

DONE AND ORDERED in Chambers in Miami-Dade County, Florida, this _____ day of _____, 2015.

FINAL ORDERS AS TO ALL PARTIES
SRS DISPOSITION
NUMBER 3

Circuit Judge

GERALD HUBBART

APR 24 2015

Copies furnished to all parties.

THE COURT DISMISSES THIS CASE AGAINST
ANY PARTY NOT LISTED IN THIS FINAL ORDER
OR PREVIOUS ORDER(S). THIS CASE IS OPEN

GREENSPOON MARDER, P.A.
TRADE CENTRE SOUTH, SUITE 700
100 W CYPRESS CREEK ROAD
FT LAUDERDALE, FL 33309

SOUTH FLORIDA LEGAL CENTER, P.A.
900 WEST 49TH STREET. #448
HIALEAH, FL 33012

KATHRYN VILLALBA
13742 NW 20TH ST
PEMBROKE PINES, FL 33028

SEAN TEL WOODARD, ESQ.,
3343 WEST COMMERCIAL BLVD, SUITE 100
FORT LAUDERDALE, FL 33309
Shantel@peytonbolin.com
bankforeclosure@peytonbolin.com

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC.
1901 E. VOORHEES STREET, SUITE C
DANVILLE, IL 61834

RAUL GASTESI, JR., ESQ.
8105 NW 155TH STREET
MIAMI LAKES, FL 33016
efiling@gastesi.com