

Filing # 184581548 E-Filed 10/23/2023 07:11:25 PM

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE23001422 DIVISION: 11 JUDGE: Garcia-Wood, Marina (11)

Wells Fargo Bank N.A.

Plaintiff(s) / Petitioner(s)

v.

Dennis Jones, et al

Defendant(s) / Respondent(s)

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SUMMARY FINAL JUDGMENT

THIS CAUSE having come before this Court upon Plaintiff's Motion for Summary Final Judgment on October 23, 2023. Affidavits as to Plaintiff's Attorney Fees, Affidavit as to Reasonable Attorney Fees, and Affidavit of Indebtedness as to the amounts due on the note and mortgage herein sought to be foreclosed and as to costs, and the Complaint, and the Court being otherwise fully advised, it is

ORDERED AND ADJUDGED:

1. This Court has jurisdiction of the subject matter hereof and the parties hereto. The Plaintiff has established by competent proof the allegations of the Complaint, and the equities of the action are with the Plaintiff.

2. Plaintiff is entitled to foreclosure of its mortgage lien and said lien is prior in date and superior in dignity to the right, title, interest, claim, lien and demand of the defendants herein upon the mortgaged property herein foreclosed, to wit:

**UNIT F112 AND GARAGE NO. 43 WINDWARD LAKES CONDOMINIUM, A
CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM
RECORDED IN OFFICIAL RECORDS BOOK 40735, PAGE 1435, OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED
INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO.**

and all fixtures and personal property located therein or thereon, which are included as security in Plaintiff's mortgage, and all rent monies sequestered with the Clerk of Court in the above entitled cause, which are secured by Plaintiff's mortgage.

3. There are due to Plaintiff the following sums:

Principal	\$196,007.30
Deferred Principal Balance	\$3,817.02
Interest from 7/1/2022 through 8/3/2023	\$10,578.08
Per Diem Interest at \$31.55 per day from 8/4/2023 to 10/23/2023	\$2,555.55
Pre-accelerated Late Charges	\$155.54
Escrow Balance	\$1,026.15
Subtotal:	\$214,139.64

Attorney's Fee	\$4,600.00
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Court costs (Title/Lien Search, Clerk's Filing Fee, Service)	\$3,011.90
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<i>Complaint Filing Fee:</i>	<i>\$906.00</i>
<i>Service of Process:</i>	<i>\$1,540.00</i>
<i>Mail Cost:</i>	<i>\$1.80</i>
<i>FL E-File:</i>	<i>\$319.10</i>
<i>Publication:</i>	<i>\$245.00</i>

Other

Property Appraisal / BPO	\$110.00
Property Inspections	\$120.00
Property Preservation / Maintenance	\$137.50
Title Search	\$300.00
Subtotal:	\$222,419.04

LESS: Suspense Balance	\$0.00
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TOTAL	\$222,419.04
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Given the amount of the fees requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the amount of attorney's fees herein is reasonable.

4. If the total sums of money found to be due herein to Plaintiff and all costs of this proceeding incurred after date of this judgment, including interest hereon, are not forthwith paid, then the Clerk of this Court shall sell the mortgaged property at public sale at **10:00 a.m.** on the **28th day of December, 2023**, to the highest bidder or bidders via online at **www.broward.realforeclose.com**, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk of this Court shall not conduct a sale pursuant to this judgment unless the Plaintiff or its representative is present to bid at the sale.

5. If the successful bidder fails to pay the bid in cash in full to the Clerk by 12:00 p.m. on the next business day after the scheduled sale, the Clerk of the Court shall re-advertise the sale as provided in Florida Statute 45.031(2) and pay all costs of the sale from the deposit and apply any remaining funds therefrom toward the judgment.

6. Plaintiff shall advance the cost of publishing the Notice of Sale, and Plaintiff shall be reimbursed therefor by the Clerk out of the proceeds of the sale if Plaintiff shall not become the purchaser of the property at the sale. The purchaser at the sale shall pay, in addition to the amount bid, the Clerk's fee and the documentary stamps to be affixed to the Certificate of Title.

7. Plaintiff may bid at the sale, and if Plaintiff is the purchaser at the sale, the clerk shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such portion thereof as may be necessary to pay Plaintiff's bid. If Plaintiff shall be the purchaser at the sale, the Clerk is hereby directed to deliver to Plaintiff the original note and mortgage received as evidence in this cause.

8. Upon issuance of a Certificate of Title by the Clerk of this Court, the Clerk shall also distribute the proceeds of the sale, so far as they are sufficient, by paying in the following order:

A. All costs and expenses of these proceedings subsequent to entry of this judgment, including the cost of publishing the notice of sale and the Clerk's fee (\$70.00) for making the sale (unless the Plaintiff, having already paid for those two items of costs, shall be the purchaser at the sale) the cost of the state documentary stamps affixed to the Certificate of Title (based on the amount bid for the property) and , to Plaintiff's attorney, the fee herein above allowed as Plaintiff's attorney fee.

B. The total sum due Plaintiff, less the items paid above, plus interest from the date of this judgment to the date of payment to Plaintiff at 7.69%, the rate established by the Comptroller of the State of Florida pursuant to Florida Statute 55.03(1).

C. The remaining proceeds, if any, shall be retained by the Clerk pending further order of the Court. If the total amount realized shall not be sufficient to pay all sums due Plaintiff under this judgment, the Clerk shall pay first those specified in paragraph 8(A) and shall pay the balance

to Plaintiff.

9. The Clerk is directed to forthwith pay to Plaintiff all sums held by it in the Court Registry in connection with the above-entitled action sufficient to pay all sums due Plaintiff under this judgment.

Upon Plaintiff's receipt of the disbursed sums, the amount found due Plaintiff in this judgment will be reduced by the amount of that disbursement. The Clerk's check for the disbursement shall be made payable to Plaintiff and delivered to Plaintiff's attorney, McCabe, Weisberg & Conway, LLC, Suite A, 3222 Commerce Place, West Palm Beach, Florida, 33407.

10. Upon the filing of a Certificate of Sale by the Clerk of the Court, the Defendants and all persons claiming under or against them since the filing of the Notice of Lis Pendens shall be forever foreclosed of and from all right of redemption and all other right, title, interest, equity, claim, estate and demand in or to the mortgaged property, except as to claims or rights under Chapter 718 or 720, Florida Statutes, if any. Upon issuance of a Certificate of Title, and upon motion and further order from the Court, the Clerk of this Court may forthwith issue a Writ of Possession and the purchaser at the judicial sale, or its representatives or assigns shall be let into immediate possession of the property.

11. If, subsequent to the date hereof, and prior to the sale, Plaintiff shall be required to advance any monies to protect its mortgage lien, or if Plaintiff pays fees determined by any Court order to be due for the services of any attorney ad litem, administrator ad litem or guardian ad litem who has been appointed by the Court to represent the interest of any defendant in the above-entitled cause, then Plaintiff or its attorney shall so certify to the Clerk of this Court and the amount due Plaintiff in this judgment shall be increased by, and shall include, the amount of such advances without further order of this Court.

12. The Court retains jurisdiction of this action to enter further orders as are proper, including, without limitation, the taxing of Plaintiff's reasonable attorney's fees, supplemental and/or re-foreclosure actions against omitted parties or unknown parties, and deficiency judgments.

13. 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 sales proceeds pursuant to this final judgment.

14. Plaintiff reserves the right to assign its right to bid at auction sale to any other entity. Court approval of the assignment of bid is not required

15. The rights and interests of the parties and anyone acquiring title to the mortgaged property at foreclosure sale are subject to and governed by the §83.561, Florida Statutes.

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 60 days after the sale. If you fail to file a 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 of Broward County, Florida, at Clerk of the Court of Broward County, Florida, at Broward County Courthouse, 201 Southeast Sixth Street, Fort Lauderdale, FL 33301, within ten (10) days after the sale to see if there is additional money from the foreclosure sale that the Clerk has in 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 Legal Aid Services of Broward County, Inc., 491 N. State Road 7, Plantation, FL 33317, (954) 765-8950, to see if you qualify 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 Legal Aid Services of Broward County, Inc., 491 N. State Road 7, Plantation, FL 33317, (954) 765-8950, for assistance, you should do so as soon as possible after receipt of this notice.

Case Number: CACE23001422

DONE AND ORDERED in Chambers at Broward County, Florida on 23rd day of October, 2023.

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Hon. Marina Garcia-Wood

CIRCUIT COURT JUDGE

Electronically Signed by Marina Garcia-Wood

Copies Furnished To:

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