

\*\*\*\* FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 3/29/2017 8:59:08 AM.\*\*\*\*

12

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

CASE NO. CACE-15-001738

Fox Run Homeowners, Inc.,

Plaintiff,

vs.

Delroy Francis; Bank of America, NA; TCS  
Properties Holdings, LLC; Florida Housing  
Finance Corporation,

Defendants.

**FINAL JUDGMENT OF FORECLOSURE**

**THIS ACTION** was heard before the Court on Plaintiff's Amended Motion for Summary Judgment of Foreclosure on March 29, 2017. On the evidence presented **IT IS ORDERED AND ADJUDGED that:**

1. The Plaintiff's Amended Motion for Summary Judgment of Foreclosure is **GRANTED**. Service of process has been duly and regularly obtained over Defendants: Delroy Francis; Bank of America, NA; TCS Properties Holdings, LLC; Florida Housing Finance Corporation.
2. **Amounts Due.** There is due and owing to the Plaintiff the following:

Violation Fines Due for August 2016: \$4,000.00

Remaining Balance Due through December 31, 2016: \$3,460.50

Maintenance Fees for January 2017 (maintenance fees due semiannually): \$154.00

Late Fees for January 2017 through March 2017 at  
\$10.00 per month: \$30.00

Total Due through March 31, 2017: \$7,644.50

Title search expense \$175.00

**Court Costs:**

Filing fee \$414.53

Issuance of Summonses \$50.00

Service of Process	\$473.00
Publication of Notice of Sale	\$245.00
Clerk's Fee – Internet Sale	\$70.00

<b>SUBTOTAL</b>	<b>\$9,072.03</b>
-----------------	-------------------

**Additional Costs:**

Tax Search	\$7.50
Expert Witness Fee	\$20.00
Demand Letter	\$195.00
Claim of Lien/Costs	\$554.50

<b>SUBTOTAL</b>	<b>\$9,849.03</b>
-----------------	-------------------

Attorney fees based upon 30.7 hours at blended hourly rate of \$225.68 per hour	\$6,928.50
------------------------------------------------------------------------------------	------------

<b>GRAND TOTAL</b>	<b>\$16,777.53</b>
--------------------	--------------------

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.
4. **Lien on Property.** Plaintiff, whose address is Fox Run Homeowners, Inc., c/o Horizon Maintenance Services, 5618 Hollywood Boulevard, Hollywood, Florida 33021, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the plaintiff is superior to all claims or estates of defendant(s) and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116. The plaintiff's lien encumbers the subject property located in Broward County, Florida and described as:

**LEGAL DESCRIPTION:**

Lot 2, Block 6, of Jacaranda Parcel 101, according to the Plat thereof, as recorded in Plat Book 132 at Page 17 of the Public Records of Broward County, Florida.

Property address: 10460 NW 18 Manor, Plantation, FL 33322

5. **Sale of property:** If the grand total amount 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 shall sell the subject property at public sale on May 30, 2017, to the highest bidder for cash, except as prescribed in Paragraph 6, in accordance with section 45.031, Florida Statutes, using the following method (CHECK ONE):

[ ] Room 385, 201 S.E. 6<sup>th</sup> Street, Ft. Lauderdale, Florida 33301 at 10:00 a.m.

[X] By electronic sale beginning at 10:00 a.m. on the prescribed date at [www.broward.realforeclose.com](http://www.broward.realforeclose.com).

6. **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 the documentary stamps payable on 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. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.
7. **Right of Redemption.** On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.
8. **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. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.
9. **Right of Possession:** Upon filing of the Certificate of Sale, defendants and all persons claiming under or against defendants 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, Florida Statutes, if any. Upon the 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." If any defendant remains in possession of the property, the Clerk shall without further order of the Court issue forthwith a writ of possession upon request of the person named on the Certificate of Title.
10. **Attorney Fees:** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 30.7 hours were reasonably expended by plaintiff's counsel, and that a blended hourly rate of \$225.68 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).

11. **NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA. ST. (2006)**

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.

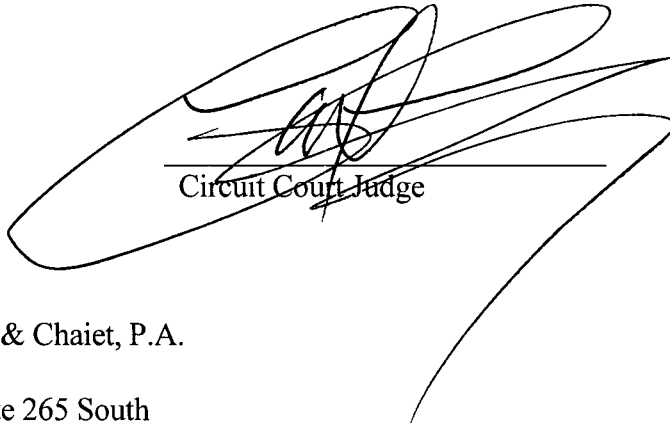
IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF 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 COURT OF BROWARD COUNTY, 201 SE 6<sup>TH</sup> STREET, FORT LAUDERDALE, FLORIDA (954) 831-7019 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 BROWARD COUNTY BAR ASSOCIATION, 1051 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA, (TELEPHONE (954) 764-8040), 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 BROWARD COUNTY BAR ASSOCIATION FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, a deficiency judgment.

**DONE AND ORDERED** in Chambers at Hollywood, Broward County, Florida, this 29  
day of March, 2017.



Circuit Court Judge

Copies furnished to all parties:  
Gregory R. Eisinger, Esquire  
Eisinger, Brown, Lewis, Frankel & Chalet, P.A.  
Attorneys for Plaintiff  
4000 Hollywood Boulevard, Suite 265 South  
Hollywood, FL 33021

Fox Run Homeowners, Inc.  
c/o Horizon Maintenance Services  
5618 Hollywood Boulevard  
Hollywood, Florida 33021

William J. McPharlin  
Attorney for Defendant, Francis Delroy  
3015 North Ocean Blvd., Suite 122  
Fort Lauderdale, FL 33308  
[mcpharlinlaw@aol.com](mailto:mcpharlinlaw@aol.com)

Matthew Sirmans, Assistant General Counsel  
Attorney for Defendant, Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, FL 32301  
[mattasirmans@gmail.com](mailto:mattasirmans@gmail.com)

Benjamin R. Jacobi, Esq.  
Attorney for Defendant TCS Properties Holdings, LLC  
1313 N.E. 125<sup>th</sup> Street, #200  
North Miami, FL 33161  
[service.jacobilaw@gmail.com](mailto:service.jacobilaw@gmail.com)

Nicole A. Milson, Attorney for Bank of America, N.A.  
1615 South Congress Avenue, Suite 200  
Delray Beach, FL 33445  
[Servicemail@aldridgepate.com](mailto:Servicemail@aldridgepate.com)

**TO BE PUBLISHED IN THE BROWARD DAILY BUSINESS REVIEW**