

\*\*\*\* FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 9/23/2014 4:46:45 PM.\*\*\*\*

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA  
CIVIL DIVISION

**THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK, AS  
T R U S T E E F O R T H E  
CERTIFICATEHOLDERS OF THE  
CWABS, INC., ASSET-BACKED  
CERTIFICATES, SERIES 2006-13**

Plaintiff

vs.

Case No. CACE12-019470

**VELMA PITTS; UNKNOWN SPOUSE OF  
VELMA PITTS; JOHN DOE AND MARY  
DOE**

Defendants

**FINAL SUMMARY JUDGMENT OF FORECLOSURE**

THIS MATTER came before this Honorable Court upon Plaintiff's Motion for Final Summary Judgment of Foreclosure, and Attorney Fees and Costs, wherein the Court finds that service of process was properly rendered against Defendants. All Defendants were properly served with process and were then either voluntarily dismissed or timely defaulted.

The Court also finds that all Defendants have failed to assert any material facts or issues that precludes summary judgment. The Court finds that Plaintiff has filed Affidavits and Exhibits herein as proof of the sums due; and the Court having heard argument of counsel and being fully and sufficiently advised in the premises,

**IT IS ORDERED AND ADJUDGED:**

1. The Court has jurisdiction over the Defendants, **VELMA PITTS**, who were served with process and properly and either answered or were timely defaulted, along with subject matter jurisdiction over this cause and all party Defendants
- 2 The Court finds the original mortgage and promissory note have been accepted into evidence, with the promissory note being canceled
3. Plaintiff is owed as follows

- |  |              |
|--|--------------|
| A. Principal   | \$122,131.29 |
| B. Interest from 1/1/09<br>through 6/30/14 with a<br>per diem per day thereafter<br>of \$23 85 | \$47,100.98  |

**MARTIN FEIN FOR  
PLAINTIFF**

*Stephen Taylor*  
**FOR DEFENDANT**

(4)

C. Interest from 7/1/14 through 9/23/14 with a per diem per day thereafter of \$23.85	\$2,027.25
D. Escrow Advance	\$36,642.40
E. Pre-Accelerated Late Charges	\$1,327.36
F. Property Inspections	\$655.10
G. Foreclosure Report	\$350.00
H. Service of Process Fees	\$110.00
I. Attorney Fees	\$2,170.00
<b>TOTAL</b>	<b><u>\$212,514.38</u></b>

The sum of **\$212,514.38**, shall bear interest until paid in full at the lawful promulgated rate of four point seventy-five percent (4.75%) starting in 2014 and shall then be determined by in accordance with Florida Statue 55.03 by the State of Florida for each successive quarter thereafter until paid in full.

4. The Court finds that the 12.40 hours expended by counsel for Plaintiff in obtaining this Final Summary Judgment is a reasonable number of hours, and that the range of hourly rates charged by the attorney working on this matter for Plaintiff of One Hundred Seventy Five Dollars [\$175.00] is reasonable and is the prevailing rate charged in this Judicial Circuit by lawyers of reasonable comparable skill, experience, and reputation for similar lawyers. Accordingly, the Court finds that the amount of One Hundred Seventy Five Dollars [\$175.00] per hour for a period of 12.40 hours for a total attorney's fee of **Two Thousand One Hundred Seventy Dollars (\$2,170.00)** as set forth herein the above paragraph is reasonable

5. Plaintiff, **THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-13**, whose address is c/o 8742 Lucent Blvd., 3rd Floor, Highlands Ranch, CO 80129, holds a lien on the subject real property for the total sum of this judgment which is superior in dignity, right, title and interest to all persons, firms, estates, corporations claimed by Defendants **VELMA PITTS** and other in possession of the subject real property and any other joined Defendants or all other persons and legal entities taking subject to

notice by Plaintiff's Lis Pendens as to the real property with a legal description as follows:

LOT 5, BLOCK 3, IN RUDELL PARK SECTION ONE,  
ACCORDING TO THE PLAT THEREOF AS RECORDED IN  
PLAT BOOK 43, PAGE 28 OF THE PUBLIC RECORDS OF  
BROWARD COUNTY, FLORIDA.

Address: at 3820 Northwest 6<sup>th</sup> Pl, Fort Lauderdale, FL 33311.

6. If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid from the date of this judgment, the Clerk of the Court shall sell the property at Public Sale on the 7 day of JANUARY, 2015 at 10:00 A.M. to the highest bidder for cash, except as prescribed in the above paragraph to be held at www.broward.realforeclose.com in accordance with Section 45.031, Florida Statutes. The Clerk of Court shall not conduct the sale unless Plaintiff or its representative is present to bid at the sale.

7. Plaintiff may assign the judgment and credit bid by the filing of an Notice of Assignment Bid without further order of this Court.

8. Plaintiff shall advance all subsequent costs of this action. Should a party other than Plaintiff be the purchaser at the sale, Plaintiff shall be reimbursed by the Clerk for costs advanced including the Clerk's fee to conduct the sale and publication cost. Provided however that the purchase of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. At the time of payment of the bid amount any purchaser other than Plaintiff shall pay a service charge assessed by the Clerk of the Circuit Court pursuant to Florida Statute 28 24, together with documentary stamps to be 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. Plaintiff may, if subsequent to the date of Plaintiff's Affidavit in Support of Motion for Summary Judgment, file an amended affidavit for additional sums owed as contemplated by this judgment. Any sums Plaintiff is required to advance any monies to protect its mortgage lien, then Plaintiff shall so certify to the Clerk of Court and the amount found due to Plaintiff shall be increased by the amount of such an advance with further order of the Court.

9. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying

- A. All of Plaintiff's costs,
- B. Plaintiff's attorney fees,

- C. Total sum due to Plaintiff, less the items paid, and the same shall bear interest at the lawful promulgated rate until paid in full.
- D. The balance of the proceeds of the sale in excess of the amounts paid under Paragraphs 9(a) (b) & (c) shall be retained by the Clerk of this Court pending further order of this Court.

10. On filing the Certificate of Sale the right of redemption shall be terminated and upon the filing of the Certificate of Title, Defendant and all persons claiming under or against them since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at the sale shall be let into possession of the property located at **3820 Northwest 6<sup>th</sup> Pl, Fort Lauderdale, FL 33311**. If any defendant remains in possession of the property, the Clerk forthwith a writ of possession upon the request of the person named on the certificate of title. The Sheriff is hereby authorized to serve the Writ of Possession thereafter and place Plaintiff into physical possession of the subject property.

**11. IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSON 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 THEN 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 REPRESENTATIVE 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, BROWARD COUNTY, 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 THE LEGAL AID SERVICE OF BROWARD COUNTY, FT LAUDERDALE, FLORIDA, (954) 765-8950, 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 LEGAL AID FOR ASSISTANCE YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

12. Jurisdiction is retained to enter further Orders that are proper against Defendants including a deficiency judgments if the borrower has not been discharged in bankruptcy, writs of possession, relief as set forth in Florida Statute 702.07, relief which would include a supplemental complaint, re-foreclosure, post judgment proceedings and all other relief deemed necessary and just.

**DONE AND ORDERED** in Chambers, Broward County, Florida, this SEP 23 2014 day of SEP 23 2014, 2014.

  
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CIRCUIT COURT JUDGE

**Conformed Copies To**

Velma Pitts  
3820 Northwest 6<sup>th</sup> Pl  
Fort Lauderdale, FL 33311

**Gary I. Gassel, Esquire**  
2191 Ringling Boulevard  
Sarasota, Florida 34237