

Filing # 184383683 E-Filed 10/19/2023 07:04:06 PM

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

CASE NO. COCE22005452 DIVISION: 50 JUDGE: Cohen, Mardi Levey (50)

Leisureville Community Association Inc

Plaintiff(s) / Petitioner(s)

v.

Garey R Nehrke, et al

Defendant(s) / Respondent(s)

_____ /

SECOND AMENDED FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE having come before the Court upon Plaintiff's Second Motion to Amend Final Judgment of Foreclosure, and the Court having considered the pleadings and proofs submitted, having reviewed the Court file, and being otherwise duly advised in the premises,
It is hereby ADJUDGED that:

1. This Court has jurisdiction of the subject matter hereto and the parties hereto. The equities of this cause are with the Plaintiff. Service of Process has been duly and regularly obtained over the Defendants GAREY R. NEHRKE, WACHOVIA BANK NATIONAL ASSOCIATION N/K/A WELLS FARGO BANK, NATIONAL ASSOCIATION and NICOLE NEHRKE.

2. Amounts Due. There is due and owing to the Plaintiff the following:

Final Judgment dated 6/28/23	\$22,453.98
Interest on Final Judgment at 6.58% from 6/29/23 through 10/19/23	\$449.31
Monthly Assessments from 6/29/23 through 9/1/23	\$822.00
Monthly Assessments from 9/2/23 through 10/19/23	\$274.00
Interest on Monthly Assessments from 6/29/23 through 9/1/23	\$6.76
Interest on Monthly Assessments from 9/2/23 through 10/19/23	\$12.16
Supplemental Costs	\$445.00
Supplemental Attorney's Fees	\$2,557.50
TOTAL DUE	\$27,020.71

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 c/o Wasserstein, P.A., Daniel Wasserstein, Esq., 301 Yamato Road, Suite 2199, Boca Raton, Florida 33431, holds a lien for the total sum specified in Paragraph 2, superior to any right, title, interest or claim of the Defendants, and all persons, corporations and other entities claiming by, through or under the Defendants, or any of them, and the property shall be sold free and clear of all claims of the Defendants. The Plaintiff's lien encumbers the following described property in Broward County, Florida:

Lot 33, in Block 9, of LEISUREVILLE FOURTH SECTION, according to the Plat thereof, as recorded in Plat Book 65, at Page 49, of the Public Records of Broward County, Florida, together with an undivided fractional interest in Parcel C, as described on said Plat, and reserving a perpetual non-exclusive easement for ingress and egress and utility purposes.

Street Address: 2920 NW 2nd Avenue, Pompano Beach, FL 33064.

5. Sale of Property. If the grand total amount described in paragraph 2, with interest at the rate described in Paragraph 3, and all fees and costs accrued subsequent to this judgment are not paid within five (5) days, the Clerk of this Court shall sell that property at public sale on the **1st day of December 2023**, to the highest bidder or bidders for cash, in accordance with Florida Statute 45.031 by electronic sale beginning at 10:00 a.m. on the prescribed date, except as prescribed in Paragraph 6, at: 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. 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 Florida Statute 45.031 for services in making, recording, and certifying the sale and title that shall be assessed as costs.

7. Right of Redemption. In accordance with Section 45.0315, Florida Statutes, upon the Clerk filing the Certificate of Sale, Defendants shall forever be barred and foreclosed of any and all equity or right of redemption in and to the property.

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 attorney's fees; 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. 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. The Clerk is hereby directed to disburse the total amount due plus interest to Plaintiff payable to "WASSERSTEIN, P.A. TRUST ACCOUNT".

9. Right of Possession. Upon the Clerk filing the Certificate of Title, the Defendant and all persons claiming under or against the Defendants since the filing of the Notice of Lis Pendens shall be forever barred and foreclosed of and from all right, title, interest, claim or demand of any kind or nature whatsoever in and to the property, and the purchaser at the sale, or his or her representative or assigns, shall be let into possession of the property, subject to the provisions of the "Protecting Tenant at

Foreclosure Act of 2009.”

10. Attorney Fees. This Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that the hours expended by Plaintiff’s counsel were reasonable, and that a reasonable hourly rate of up to \$275.00 is appropriate. Plaintiff’s counsel represents that the attorney’s fee awarded does not exceed his 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. Jurisdiction. Jurisdiction over the subject matter and the parties hereto is reserved for the purpose of modifying and amending this judgment to include additional sums and assessments accruing before sale, entering such further orders and judgments as are necessary and proper, including but not limited to, writs of possession, deficiency judgments and orders and judgments providing for the extinguishment of any other interest in the subject property subordinate to Plaintiff’s interest therein.

NOTICE PURSUANT TO AMENDMENT

TO SECTION FLORIDA STATUTE 45.031:

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 LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, 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 SURPLUS.

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, 201 SE 6TH STREET, FORT LAUDERDALE, FLORIDA 33301 (TELEPHONE: 954-831-6565) 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 OF BROWARD COUNTY, 491 N. STATE ROAD 7, PLANTATION, FLORIDA 33317 (TELEPHONE: 954-765-8950) TO SEE IF YOU QUALIFY FINANCIALLY FOR

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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 LEGAL AID SOCIETY OF BROWARD COUNTY, 491 N. STATE ROAD 7, PLANTATION, FLORIDA 33317 (TELEPHONE: 954-765-8950) YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at Broward County, Florida on 19th day of October, 2023.

COCE22005452 10-19-2023 3:50 PM


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Hon. Mardi Levey Cohen

COUNTY COURT JUDGE

Electronically Signed by Mardi Levey Cohen

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