

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 6/14/2017 2:24:18 PM.****

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

BAYVIEW LOAN SERVICING, LLC, a
Delaware limited liability company,

CASE NO. CACE-16-018510

Plaintiff,

vs.

MAYRA TOLEDO and _____
TOLEDO, THE UNKNOWN SPOUSE OF
MAYRA TOLEDO, IF ANY; JOHN DOE
OR ANY OTHER PERSON IN
POSSESSION; LORIUS JOSEPH and
_____ JOSEPH, THE UNKNOWN
SPOUSE OF LORIUS JOSEPH, IF ANY;
FIRST BANKERS MORTGAGE CORP II;
SAN SOUCI VILLAGE HOMEOWNERS'
ASSOCIATION, INC.; RIVIERA ISLES
MASTER ASSOCIATION, INC.

Defendants.
_____/

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on June 14, 2017. On the evidence presented

IT IS ADJUDGED that:

1. Plaintiff, BAYVIEW LOAN SERVICING, LLC, a Delaware limited liability company, 4425 Ponce de Leon Boulevard, Coral Gables, Florida 33146, is due:

| | |
|--|--------------|
| Principal | \$363,459.33 |
| Interest to date of this judgment (\$39.83 per diem) | \$55,536.21 |
| Deferred Unpaid Balance | \$199,251.13 |
| Title search expense | \$295.00 |
| Late Charges | \$2,606.40 |
| Escrow Advances | \$44,239.54 |
| Insurance Advanced: \$16,050.14 | |
| Taxes Advanced: \$28,189.40 | |
| Attorneys' fees | |
| Finding as to reasonable hourly rate: | \$195.00 |

(The requested attorney's fee is a **flat rate fee** that the firm's client has agreed to pay in this matter. Given the

**DEFENDANT FAILED TO
APPEAR**

Stacey Goldstein Esq 476102 for plaintiff

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.)

| | |
|------------------------|------------|
| Attorneys' fees total | \$3,450.00 |
| Court costs, now taxed | \$2,759.33 |
| Filing Fee: | \$2,063.27 |
| Service of Process: | \$440.00 |
| Postage: | \$11.06 |
| Publication: | \$245.00 |
| OTHER | \$119.00 |
| Property Inspection: | \$44.00 |
| BPO: | \$75.00 |

| | |
|--------------|---------------------|
| TOTAL | \$671,715.94 |
|--------------|---------------------|

that shall bear interest at the rate of 5.05% year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants, MAYRA TOLEDO; LORIUS JOSEPH and _____JOSEPH, THE UNKNOWN SPOUSE OF LORIUS JOSEPH, IF ANY; FIRST BANKERS MORTGAGE CORP II; SAN SOUCI VILLAGE HOMEOWNERS' ASSOCIATION, INC. and RIVIERA ISLES MASTER ASSOCIATION, INC., and all unknown parties claiming by, through under or against the named defendants, whether living or not, and whether said unknown parties claims as heirs, devisees, grantees, assignees, lienors, creditors, trustees, or in any other capacity, claiming by, through under or against the named defendants, on the following described property in Broward County, Florida:

Lot 145, Block 4, of RIVIERA ISLES II, according to the Plat thereof, as recorded in Plat Book 170, Page 53, of the Public Records of Broward County, Florida.

Street address: 5145 SW 157th Avenue, Miramar, Florida 33027

If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell at public sale on 7/19, 2017, to the highest bidder for cash, except as prescribed in Paragraph 4, in accordance with Section 45.031, Florida Statutes using the following method:

- By electronic sale beginning at 10:00 A.M. on the prescribed date at www.broward.realforeclose.com

3. 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.

4. 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 plaintiff's costs; second, documentary stamps affixed to the certificate; third, plaintiff's attorneys' fees; fourth, the

total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

5. On filing 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, Florida Statutes, if any (this court reserving jurisdiction to resolve any disputes respecting indebtedness to any homeowners association or condominium association). Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

6. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.

7. Plaintiff's Judgment shall be assignable without Order of Court, and any assignee of Plaintiff's Judgment and/or right to bid shall be vested with the same rights, and subject to the same terms and conditions, as is the Plaintiff under this Final Judgment Order.

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 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, PHONE: 954-831-5745, 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, INC., 609 SOUTHWEST FIRST AVENUE, FT. LAUDERDALE, FL 33301, PHONE: (954) 765-8950, OR FLORIDA IMMIGRANT ADVOCACY CENTER, 3000 BISCAYNE BLVD., #400, MIAMI, FL 33137, PHONE: (305) 573-1106 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 LEGAL AID SERVICE OF BROWARD COUNTY, INC., PHONE: (954) 765-8950, OR FLORIDA IMMIGRANT ADVOCACY CENTER, PHONE: (305) 573-1106 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Fort Lauderdale, Broward County Florida, on this 14 day of June, 2017.

Circuit Court Judge

Copies Furnished To:

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