

Filing # 114544890 E-Filed 10/06/2020 07:04:20 PM

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

CASE NO. CACE19023209 DIVISION 11 JUDGE Andrea Gundersen

Wilmington Trust National Association, not in its

Plaintiff(s) / Petitioner(s)

v.

Sandra Davis, et al

Defendant(s) / Respondent(s)

_____ /

FINAL JUDGMENT

THIS CAUSE came to be heard on October 5, 2020 via Zoom Hearing on Plaintiff's Motion for Summary Judgment which was duly noticed for hearing. Amina M. McNeil, Esq. appeared on behalf of Plaintiff. Defendants Ruel D. Miles a/k/a Dylan Ruel Miles, and Sandra Davis a/k/a Sandra N. Miles appeared pro se. On the evidence presented it is,

ORDERED AND ADJUDGED as follows:

1. This is an Action was heard before the Court. On the evidence presented Judgment has been GRANTED against all Defendants listed by name:

Ruel D. Miles a/k/a Dylan Ruel Miles

Sandra Davis a/k/a Sandra N. Miles

Riverstone Homeowners Association, Inc.

Paula L. Schwartz, Esq.

State of Florida

Clerk of the Court for Broward County, Florida

United States of America, Department of Treasury - Internal Revenue Service

Plaintiff, Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2016-1, c/o Fay Servicing, LLC, 425 S. Financial Place, Suite 2000, Chicago, IL 60605 is due:

Principal due on the note secured by the mortgage
foreclosed:

\$709,452.92

Interest on the note and mortgage

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From April 1, 2018 to July 2, 2020	\$51,989.24
Per diem interest @ \$63.17 from July 3, 2020 to October 5, 2020	\$6,001.15
Pre-acceleration late charges	\$2,730.88
Title search expenses	\$155.00
Attorney's Fees Total:	\$4,614.00
Filing Fee	\$2,026.00
Service of Process	\$1,056.30
Property inspections	\$235.25
Escrow advances	\$65,759.64
Statutory Mail	\$37.70
Suspense Balance	\$-3,355.34
TOTAL	<u>\$840,702.74</u>

that shall bear interest at the rate of 5.37% a year.

The adding machine tape is attached as Exhibit A.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants on the following described property in Broward County, Florida:

Lot 133, Riverstone, according to the plat thereof, recorded in Plat Book 172, Page 111, of the Public Records of Broward County, Florida

Property address: 14822 SW 36th St, Davie, FL 33331

3. **Sale of Property.** 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 the Court shall sell the subject property at public sale on **January 6, 2021, at 10:00AM** to the highest bidder for cash, in accordance with section 45.031 Florida Statutes at: www.broward.realforeclose.com.

4. **Cost.** 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 such further costs as may be incurred and accruing by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of sale and any reasonable advances made by the Plaintiff subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.
5. **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 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.
6. **Right of Redemption/Right of Possession.** On filing of the Certificate of Sale, Defendant(s) and all persons claiming under or against Defendant 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 filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.
7. **Attorney's Fees.** The court finds, based on the affidavits/testimony presented and upon reasonable inquiry of counsel for the Plaintiff that the requested attorney fees are flat rate fee for the non-contested portion of the case that the firm's client has agreed to pay in this matter, 3.60 hours were reasonably expended by Plaintiffs' counsel for the contested portion of the case and that an hourly contested rate of \$215.00 is appropriate. Plaintiff's counsel represents that the attorneys' fee award does not exceed its contract

fee with the Plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to *Florida Patients Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).

- 8. Jurisdiction Retained. The Court retains jurisdiction of this action to enter further Orders that are proper, including without limitation, Orders authorizing writs of possession and an award of attorney's fees, and to enter deficiency judgments, if applicable and the Defendant has not been discharged in bankruptcy.**
- 9. If the United States of America is a Defendant, it shall have the right of redemption pursuant to 28 U.S.C. Section 2410 (c), from the date of the foreclosure sale.**
- 10. The Court finds that Plaintiff complied with the condition precedent of providing notice prior to acceleration of the loan, and prior to the filing of the foreclosure action, pursuant to the terms of the Note and Mortgage.**
- 11. On or before the date of sale, Plaintiff may assign the judgment and/or the bid by filing an Assignment of Judgment and/or Bid without further order of this Court.**
- 12. On or before the date of sale, Plaintiff may file an Affidavit of Additional Costs and Interest without further order of this Court.**
- 13. The Plaintiff's Motion for Summary Judgment is GRANTED and Final Judgment is ENTERED against Defendants, Ruel D. Miles a/k/a Dylan Ruel Miles, Sandra Davis a/k/a Sandra N. Miles , Riverstone Homeowners Association, Inc., Paula L. Schwartz, Esq., State of Florida, Clerk of the Court for Broward County, Florida, United States of America, Department of Treasury - Internal Revenue Service.**

14. Plaintiff asserts that State of Florida Executive Order 20-180 is not applicable as the court case was filed prior to the COVID-19 emergency and the default did not arise as a result of the COVID-19 emergency.

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 FUNDS.

ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM BEFORE THE CLERK REPORTS THE SURPLUS AS UNCLAIMED. THE COURT, IN ITS DISCRETION, MAY ENLARGE THE TIME OF THE SALE. NOTICE OF THE CHANGED TIME OF SALE SHALL BE PUBLISHED AS PROVIDED HEREIN.

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 AT 201 SE 6TH STREET, ROOM 230, FT. LAUDERDALE, FL 33301, 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

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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 COAST TO COAST LEGAL AID OF SOUTH FLORIDA, INC., 491 N STATE ROAD 7, PLANTATION, FL 33317, (954) 736-2400, 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 COAST TO COAST LEGAL AID OF SOUTH FLORIDA, INC., YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE and ORDERED in Chambers, at Broward County, Florida on 10-06-2020.


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Hon. Andrea Gundersen

CIRCUIT JUDGE

Electronically Signed by Andrea Gundersen

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