

\*\*\*\* FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 6/14/2018 4:30:00 PM.\*\*\*\*

Filed In Open Court  
CLERK OF THE CIRCUIT COURT  
ON 6-14-18  
BY Shaneatra Jones

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

**CASE NO.: CACE-17-016131**

HMC ASSETS, LLC SOLELY IN ITS CAPACITY  
AS SEPARATE TRUSTEE OF COMMUNITY  
DEVELOPMENT FUND I TRUST,

Plaintiff,

vs.

YVON RINCHERE; MARIE RINCHERE A/K/A  
MARIE S. RINCHERE; SILVER SHORES MASTER  
ASSOCIATION, INC.; SILVER SHORES  
HOMEOWNERS ASSOCIATION, INC.; MIDLAND  
FUNDING LLC, AS SUCCESSOR IN INTEREST  
TO HOUSEHOLD FINANCE; SUNCOAST  
MORTGAGE BANKERS, INC.; ALL UNKNOWN  
PARTIES CLAIMING BY, THROUGH, UNDER OR  
AGAINST THE HEREIN NAMED INDIVIDUAL  
DEFENDANT(S) WHO ARE NOT KNOWN TO  
BE DEAD OR ALIVE, WHETHER SAID  
UNKNOWN PARTIES MAY CLAIM AN INTEREST  
AS SPOUSES, HEIRS, DEVISEES, GRANTEES,  
OR OTHER CLAIMANTS; UNKNOWN TENANT #1;  
UNKNOWN TENANT #2 whose name is fictitious to  
account for parties in possession,

Defendants.

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**FINAL JUDGMENT OF MORTGAGE FORECLOSURE**

**THIS CASE** came before the Court at the hearing on June 14, 2018 on Plaintiff's  
Motion for Summary Judgment. On the evidence presented, it is

**ORDERED and ADJUDGED that:**

1. Final Judgment of Mortgage Foreclosure is entered in favor of the Plaintiff, **HMC ASSETS, LLC SOLELY IN ITS CAPACITY AS SEPARATE TRUSTEE OF COMMUNITY DEVELOPMENT FUND I TRUST**, whose address is c/o Servis One, Inc., d/b/a BSI Financial Services, 314 S. Franklin Street, Titusville, PA 16354, and against Defendants, **YVON RINCHERE; MARIE RINCHERE A/K/A MARIE S. RINCHERE; SILVER SHORES MASTER ASSOCIATION, INC.; SILVER SHORES HOMEOWNERS ASSOCIATION, INC.; MIDLAND FUNDING LLC, AS SUCCESSOR IN INTEREST TO HOUSEHOLD FINANCE; SUNCOAST MORTGAGE BANKERS, INC.; ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER OR AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS.** Unknown Tenant #1 and Unknown Tenant #2 are dropped as parties to this action.

2. **AMOUNT DUE AND OWING.** Plaintiff, **HMC ASSETS, LLC SOLELY IN ITS CAPACITY AS SEPARATE TRUSTEE OF COMMUNITY DEVELOPMENT FUND I TRUST**, whose address is c/o Servis One, Inc., d/b/a BSI Financial Services, 314 S. Franklin Street, Titusville, PA 16354, is due:

Principal due on the Note and Mortgage foreclosed	\$409,879.95
Interest on the Note from 10/1/2012 – 6/14/2018	\$ 90,576.31
<i>Interest at 3.875% Per diem: \$44,119.00</i>	
Escrow advances/Impound required	\$ 38,563.66
Insurance - \$21,384.21 [posted to the account 11/28/2012 – 1/21/2016]	
County taxes - \$16,647.45 [posted to the account 10/31/2013, 11/8/2013, 11/12/2014, 11/9/2015, and 11/30/2016]	
Flood insurance - \$532.00 [posted to the account on 1/7/2014]	

**Attorney's Fees:** \$ 11,554.00

Finding as to reasonable number of hours: 25.60 hours

Finding as to reasonable hourly rate: \$215.00/hr.

Hourly work: \$5,504.00

Other: \* Flat fee/agreed upon rate for regular foreclosure work - \$2,800.00; Flat fee/agreed upon rate for extra count

in Complaint – \$250.00; Flat fee/agreed upon rate for Amended Complaint - \$250.00; Flat fee/agreed upon rate for Affidavit – \$250.00; Flat fee/agreed upon rate for each Motion filed (6 @ \$250.00 each) - \$1,500.00; Flat fee/agreed upon rate for each hearing attended (4 @ \$250.00 each) – \$1,000.00  
Total of flat fees at agreed upon rates: \$6,050.00

Prior foreclosure referral/Flat fee-agreed upon rate (Ashland Medley Law, PLLC)	\$ 840.00
Prior foreclosure fees	\$ 14,984.76

**Court Costs Now Taxed:**

Clerk of Court/Filing fee for complaint, Summonses, LP (includes portal charge)	\$ 1,998.50
Service of process	\$ 680.40
Clerk of Court/Pluries Summons	\$ 15.00
Clerk of Court/Sale fees	\$ 135.00

SUBTOTAL:	\$569,227.58
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**Additional:**

Property preservation fees	\$ 80.00
Property inspection fees	\$ 872.65
Pre-acceleration late fees	\$ 4,980.46
Secretary of State/Substitute service fee	\$ 8.75
Recording fee	\$ 208.80

SUBTOTAL:	\$581,878.24
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Less: Escrow balance	\$ 0.00
Less: Other	\$ 0.00

<b>GRAND TOTAL:</b>	<b><u>\$575,375.24</u></b>
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\* The requested attorney's fees is a flat rate fee that the firm's client has agreed to pay in this matter. Given the 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.

**3. INTEREST.** The total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing statutory legal rate of interest pursuant to Section 55.03, Florida Statutes.

**4. LIEN ON PROPERTY.** Plaintiff holds a lien for the grand total sum specified in Paragraph 2 herein plus interest at the amount specified in Paragraph 3 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest, or claim of the Defendants and all persons, corporations or other entities claiming, by, though, under, or against 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 720.3085 or 718.116. The Plaintiff's lien encumbers the subject property located in **Broward County, Florida** and described, as follows:

**LOT E30, SILVER SHORES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 163, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA**

**PROPERTY ADDRESS: 2066 SW 153 WAY, MIRAMAR, FL 33027**

**PARCEL ID#: 5140 21 09 6110**

**5. SALE OF PROPERTY.** If the grand total amount set forth in Paragraph 2 herein with interest at the rate set forth in Paragraph 3 herein and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale on **the \_\_\_\_\_ day of \_\_\_\_\_, 2018** to the highest bidder for cash, except as prescribed in Paragraph 6, after having first given notice as required by Section 45.031, Florida Statutes, by electronic sale beginning at **10:00 a.m. EST** online 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.

**7. 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 the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending the further Order of this Court.

**8. RIGHT OF POSSESSION.** 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. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

**9. JURISDICTION.** The Court retains jurisdiction of this action to enter further orders that are proper, including, but not limited to, orders authorizing supplemental proceedings to eliminate any interest omitted from this action, to cure any title defects, orders arising out of re-foreclosure, orders permitting a supplemental complaint, orders involving the reformation of the mortgage instrument or deed, orders authorizing writs of possession and an award of attorney's fees, and to enforce the adequate protection ordered, if applicable. The Court further retains jurisdiction in this matter to address any issues of entitlement, rights, or obligations under Chapters 718 or 720, Florida Statutes, of the parties to this action, their successors or assigns.

The Court also reserves jurisdiction in the event additional sums are expended by Plaintiff to protect its interest in the property after entry of this Judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs. Plaintiff may file an Affidavit setting forth such expenditures and the Court may enter an Order awarding the Plaintiff the amount expended and add it to the grand total amount due under this Final Judgment, or if the property has been redeemed by payment of the Judgment, the Court can enter a new foreclosure Judgment for the same amount.

**10. IMPOSITION OF AND FORECLOSURE OF EQUITABLE LIEN.** The Court imposes an equitable lien in favor of the Plaintiff for the full amounts due and owing under the mortgage, plus interest, fees, costs, and attorney's fees and costs and finds that Plaintiff is entitled to foreclose its lien. The Court finds that Plaintiff's mortgage is superior to the right, title, and dignity of each Defendant and that Plaintiff's lien is superior to that certain mortgage lien held by Defendant, SUNCOAST MORTGAGE BANKERS, INC., which was recorded on June 21, 2005 in Official Records Book 39881 at Page 1880 of the Public Records of Broward County, Florida.

**11. OTHER.** Notwithstanding any post-Judgment interest that will be due after the date of this Judgment to the date of the sale, if there are objections to the sale filed or other matters that would delay disbursement of the sale proceeds past the eleventh

day after the sale, Plaintiff shall be entitled to interest at the rate set forth in Paragraph 2 herein from this date to the actual date of issuance of the Certificate of Disbursements and Certificate of Title.

**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 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, BRENDA D. FORMAN, 201 S.E. 6TH STREET, FT. LAUDERDALE, FL 33301, 954-831-6938, 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 LEGAL AID SERVICE OF BROWARD COUNTY, INC, 491 NORTH STATE ROAD 7, PLANTATION, FL 33317, 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 SERVICE OF BROWARD COUNTY, INC, 491 NORTH STATE ROAD 7, PLANTATION, FL 33317, 954-765-8950 FOR**

**ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE AND ORDERED** in Broward County, Florida on

6/14/18

CIRCUIT COURT JUDGE

A - Trina Danilyan 68563  
D - Kevin Lewis 101124

A copy of this Final Judgment shall be served upon interested parties in accordance with the Service List made a part of this Final Judgment.

**SERVICE LIST**

YVON RINCHERE  
MARIE RINCHERE A/K/A MARIE S. RINCHERE  
C/O KEVIN L. LEWIS, ESQ.  
THE ARCIA LAW FIRM, P.L.  
3350 SW 148th AVENUE, SUITE 100  
MIRAMAR, FL 33027  
SERVICE@ARCIALAWFIRM.COM

SUNCOAST MORTGAGE BANKERS, INC.  
C/O REGISTERED AGENT, DONALD BALDACCINI  
1511 ALEGRIANO AVE.  
CORAL GABLES, FL 33146

SILVER SHORES MASTER ASSOCIATION, INC.  
C/O DAVID L. BROUGH, ESQ.  
BROUGH, CHADROW & LEVINE, P.A.  
2149 NORTH COMMERCE PARKWAY  
WESTON, FL 33326  
DBROUGH@BCLPA-LAW.COM

SILVER SHORES HOMEOWNERS ASSOCIATION, INC.  
C/O REGISTERED AGENT, KAI MARTIN  
927 BAHIA BAR ROAD  
VERO BEACH, FL 32963

MIDLAND FUNDING LLC  
AS SUCCESSOR IN INTEREST TO HOUSEHOLD FINANCE  
C/O REGISTERED AGENT, MIDLAND CREDIT MANAGEMENT, INC.  
C/O CANON BUSINESS PROCESS  
8875 HIDDEN RIVER PARKWAY, SUITE 100  
TAMPA, FL 33637

UNKNOWN PARTIES IN POSSESSION  
2066 SW 153RD WAY  
MIRAMAR, FL 33027

ASHLAND MEDLEY, ESQ.  
2856 NORTH UNIVERSITY DRIVE  
CORAL SPRINGS, FL 33071  
[FLESERVICE@ASHLANDMEDLEYLAW.COM](mailto:FLESERVICE@ASHLANDMEDLEYLAW.COM)