

Filing # 112086889 E-Filed 08/19/2020 06:10:43 PM

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

CASE NO. COCE20012662 DIVISION 51 JUDGE Kathleen Mccarthy

Village East Condominium Association Inc

Plaintiff(s) / Petitioner(s)

v.

Bricapi Investments LLC, et al

Defendant(s) / Respondent(s)

_____/

DEFAULT FINAL JUDGMENT

**DEFAULT FINAL JUDGMENT
FOR FORECLOSURE**

THIS CAUSE having come on to be heard on the Plaintiff's Motion for Default Final Judgment for Foreclosure filed herein by Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., a Florida non-profit corporation, and the Court having reviewed the pleadings and affidavits filed herein by Plaintiff, and being otherwise fully advised in the premises:

IT IS ADJUDGED that:

1. Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC.'s, Motion for Default Final Judgment for Foreclosure be and the same is hereby granted.

2. The equities of this action are in favor of Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., and Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., is entitled to the foreclosure of its Claim of Lien. Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., is due \$3,887.51 as principal for maintenance fees and other authorized association expenses through August 12, 2020, \$4,500.00 for reasonable attorney's fees based upon the expenditure of 30 hours at \$150.00 per hour, and \$850.00 for costs, making a total recovery sum of \$9,237.51. There is no reason to either enhance or reduce the loadstar attorney's fee award. This Default Final Judgment for Foreclosure also secures all subsequently accruing maintenance fees, and interest through the date of the issuance of the Certificate of Title.

3. Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., holds a Claim of Lien for the total sums set forth in paragraph 2 hereof superior to any claims, interests or estates of Defendants, BRICAPI INVESTMENTS LLC and CITY OF LAUDERHILL, on the following described real property located and situated in Broward County, which legal description is as follows:

Condominium Unit No. 613, Building 6, VILLAGE EAST, a Condominium all as set forth in the Declaration of Condominium thereof recorded in Official Records Book 41670 at Page 31, of the Public Records of Broward County, Florida

a/k/a 2033 S.E. 10th Avenue, #613, Fort Lauderdale, FL 33316

4. If the total sum set forth in paragraph 2 hereof, with interest at the rate prescribed by law and all costs accrued subsequent to this judgment, are not paid, the Clerk of this Court shall sell the property described in paragraph 3 hereof at public sale on OCTOBER 2, 2020 to the highest bidder for cash, by electronic sale beginning at 10:00 A.M. on the prescribed date at www.Broward.realforeclose.com.

However, the clerk shall not conduct the sale if Plaintiff, VILLAGE EAST CONDOMINIUM

ASSOCIATION, INC.'s, attorney or other representative fails to submit the opening bid.

5. Plaintiff, VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., shall advance all subsequent costs of this action, and shall be reimbursed for them by the Clerk if VILLAGE EAST CONDOMINIUM ASSOCIATION, INC., is not the purchaser of the property described in paragraph 3 at the sale. If VILLAGE EAST CONDOMINIUM ASSOCIATION, INC. is the purchaser, the Clerk shall credit VILLAGE EAST CONDOMINIUM ASSOCIATION, INC.'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.

6. On filing the Certificate of Title with respect to the property described in paragraph 3 hereof, 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 attorney's fees; fourth, the total sum due to Plaintiff, as set forth in paragraph 2 hereof, less the items paid, plus interest at the rate prescribed by law from this date to the date of the sale to Plaintiff; and shall retain any amount remaining pending the further order of this Court. Any amounts so retained are to be distributed to the Defendants as determined by order of this Court.

7. The successful bidder and purchaser at the foreclosure sale of the real property being foreclosed herein shall pay any documentary stamps and Clerk's fee relating to the issuance of the Certificate of Title to be issued by the Clerk to the successful bidder and purchaser.

8. On filing the Certificate of Sale, Defendant(s) and all person 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, Fla. Stat., or under the Protecting Tenants At Foreclosure Act of 2009, Pub.L.NO.111-22, §701-704. The person named on the Certificate of Title may move the Court to issue a Writ of

Possession. The clerk shall not automatically issue a Writ of Possession, and may issue a Writ of Possession only when so ordered by the Court after a hearing on the motion. The person named on the Certificate of Title shall provide notice of the hearing by mail to any tenants who have made an appearance in the action or who are known to occupy the property, or, if there are no unknown tenants, the person named on the Certificate of Title shall mail notice of the hearing to the property, addressed to "occupants(s)", and also post such notice in a conspicuous place for each dwelling unit. After the hearing, the Court may order the clerk to issue a Writ of Possession if the Court finds that the property is unoccupied or that the property is occupied by the mortgagor(s) or other person(s) without a bona fide tenancy, but the Court shall not order the issuance of a Writ of Possession if it finds that the property is occupied by any person with a bona fide tenancy, as defined in the Protecting Tenants at Foreclosure Act of 2009.

9. 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.

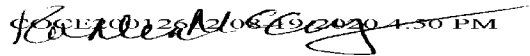
PLAINTIFF SHALL SERVE A COPY OF THIS ORDER TO THE DEFENDANT

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.

CaseNo: COCE20012662

Page 5 of 5

DONE and **ORDERED** in Chambers, at Broward County, Florida on 08-19-2020.

 COCE20012662 08-19-2020 4:50 PM

COCE20012662 08-19-2020 4:50 PM

Hon. Kathleen Mccarthy

COUNTY JUDGE

Electronically Signed by Kathleen Mccarthy

Copies Furnished To:

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