

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 10/30/2018 4:30:00 PM.****

27

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR
BROWARD COUNTY
GENERAL JURISDICTION DIVISION
CASE NO. CACE17022978

SPECIALIZED LOAN SERVICING LLC,

Plaintiff,

vs.

SCOTT A. BEAREY A/K/A SCOTT A. BEARY,
CONNIE J. BEAREY A/K/A CONNIE J. BEARY;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. AS NOMINEE FOR
COUNTRYWIDE HOME LOANS, INC.;
PORTFOLIO RECOVERY ASSOCIATES, LLC;
C.B.R. STEEL FABRICATORS & ERECTORS INC.,

Defendants.

Filed In Open Court
CLERK OF THE CIRCUIT COURT
ON OCT 30 2018
BY [Signature]

FINAL JUDGMENT OF MORTGAGE FORECLOSURE

THIS ACTION was heard before the Court. On the evidence presented, **IT IS ADJUDGED** that:

a. This is due and owing to Plaintiff from Defendant(s) obligated under the Note:

As unpaid principal of the indebtedness agreed to be
paid in the mortgage herein Foreclosed and the note
secured thereby

Interest Through 09/10/2018	\$ 279,608.46
Interest to date of this judgment (Per Diem: \$15.3210)	\$ 11,322.13
Escrow Advanced	\$ 766.05
Deferred Balance	\$ 10,274.68
Property Inspection	\$ 40,016.43
Previous Attorney Fees and Costs	\$ 267.95
Title Search	\$ 1,150.00
Issuing Summons	\$ 325.00
Complaint Filing Fee	\$ 105.00
Recording Lis Pendens	\$ 1,913.50
Gap Search	\$ 5.00
Service of Process	\$ 75.00
	\$ 1,882.40
Subtotal	\$ 347,711.60
Plaintiff Uncontested Attorney's Fees:	\$ 3,800.00
Plaintiff Contested Attorney's Fees:	\$ 7,654.00
Total	\$ 359,165.60

That shall bear interest at the legal rate as prescribed by law. Plaintiff may also recover such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of Sale, and any advances made by the Plaintiff subsequent to the date of the Affidavit of Indebtedness which cost or advances are proper under the terms of the note and mortgage foreclosed herein.

b. Plaintiff holds a lien for the total sum superior to any claim or estate of all the Defendants herein on the following property in Broward County, Florida:

THE WEST 1/2 OF LOT 6, BLOCK "A" PINE GLEN, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 72, PAGE 30, AS RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Property Address: 8190 NORTHWEST 40TH STREET, CORAL SPRINGS, FL 33065

c. 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 _____ day of 4/2/19, _____, to the highest bidder for cash, except as prescribed in Paragraph 5, in accordance with section 45.031, Florida Statutes, at:

www.broward.realforeclose.com, the Clerk's website for on-line auctions at 10:00 a.m.

d. 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, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL, 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, HOWARD C. FORMAN (954) 831-5745 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 N. STATE ROAD 7 PLANTATION, FLORIDA 33317 PHONE: (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. FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

e. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum plus interest and costs accruing subsequent to this judgment or such part of it as is necessary to pay the bid in full. If prior to the sale, Plaintiff shall be required to advance any monies pursuant to the provisions hereof, then Plaintiff or its attorneys shall so certify to the Clerk of this Court, and the amount due to Plaintiff as set forth in paragraph 1 hereof shall be increased by the amount of such advances without further order of the Court. If prior to sale, Defendant tenders payments pursuant to bankruptcy plan or forbearance agreement, then Plaintiff or its Attorneys, shall so certify to the Clerk of this Court that the amount due to Plaintiff as set forth in paragraph 1 hereof shall be credited by amount of such tendered payments without further order of this Court. If Plaintiff is successful bidder at the sale, Plaintiff's right as such may be assigned to a third party and, in that event, the Clerk of this Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee upon application of Plaintiff and without further Order of this Court.

f. 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 cost; second, documentary stamps affixed to the certificate unless Plaintiff is not successful bidder in which event the successful bidder shall pay the cost of said documentary stamps in addition to the amount bid; third, Plaintiff's attorney's fees; forth, the total sum due to Plaintiff less the items paid plus interest at the rate set forth from this date to the date of the sale, said sum to be paid to the attorney of record for the Plaintiff; and by retaining any amount remaining pending the further order of this Court.

g. On filing of the certificate of sale, defendant(s) and all persons claiming under of against defendant(s) since the filing of the notice of lis pendens shall be foreclosed of all estate or claim in the property and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes (2013) shall be terminated, except as to claims or rights under chapter 718 or 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.

h. If Plaintiff is the purchaser at the sale, Plaintiff, their heirs, representatives, successors or assigns, shall be placed in immediate possession of the afore described premises. In the event the Defendants fail to vacate said premises within 10 days of the date of the foreclosure sales as provided above, a Writ of Possession for subject premises shall issue upon further court order, subject to the provision of the Protecting Tenant Act Foreclosure Act of 2009.

i. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, the 35.60 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$215.00 is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the Plaintiff. The Court finds that there are no reasons for either reduction or enhancement pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

The requested attorneys' fees are fees that the firm's client has agreed to pay in this manner. Given the amount of the fees requested and the labor expended, the court finds that a lodestar analysis is not necessary and that the fees are reasonable.

j. Jurisdiction of this action is retained to enter further orders as are proper including without limitation, deficiency judgments, except where a discharge is applicable or where service of process was not personally obtained.

k. The Court, having jurisdiction to pronounce declaratory judgments pursuant to Chapter 86, Florida Statutes and over this action by virtue of an action for mortgage foreclosure, finds, based upon the evidence and testimony presented, that Defendants, SCOTT A. BEAREY A/K/A SCOTT A. BEARY and CONNIE J. BEAREY A/K/A CONNIE J. BEARY, are the parties to that certain Quit Claim Deed recorded in Official Records Book 34680, at page 1741, of the public records of Broward County, Florida, that said deed lacks marital status, spousal joinder, or non-homestead language for the grantor; that Plaintiff has a bona fide, actual, present, and practical need for a declaration; that Defendants, SCOTT A. BEAREY A/K/A SCOTT A. BEARY and CONNIE J. BEAREY A/K/A CONNIE J. BEARY, may have some actual, present, adverse, antagonistic, and recorded interest in the subject property; that the interest of Defendants, SCOTT A. BEAREY A/K/A SCOTT A. BEARY and CONNIE J. BEAREY A/K/A CONNIE J. BEARY, is before this court by proper process; and that a default has been entered against Defendant, CONNIE J. BEAREY A/K/A CONNIE J. BEARY. Accordingly the Court DECLARES that the Quit Claim Deed recorded in Official Records Book 34680, at page 1741, of the public records of Broward County, Florida, from Defendant, CONNIE J. BEAREY A/K/A CONNIE J. BEARY to Defendant, SCOTT A. BEAREY A/K/A SCOTT A. BEARY is legally sufficient and confirms that same forever.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this _____ day of 10/30, 2018

Presiding Judge (Broward County)
Circuit Judge

Copies sent to all parties on the attached service list.

TT - Keith V. Miller - 103584

Δ - Michael V. Vindis - 159001

SERVICE LIST

MCCALLA RAYMER LEIBERT PIERCE, LLC
225 E. ROBINSON ST. SUITE 155
ORLANDO, FL 32801

Michael R. Vines, Esq. (Counsel of SCOTT A. BEAREY a/k/a Scott A. Beary)
9633 West Broward Blvd, Suite 8
Plantation, FL 33324
mvinespleadings@att.net
vinesatty@bellsouth.net

Portfolio Recovery Associates, LLC
c/o Corporation Service Co, registered agent
1201 Hays St
Tallahassee, FL 32301

Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home
Loans, Inc.
1901 E Voorhees St, Ste C
Danville, IL 61834

C.B.R. Steel Fabricators & Erectors Inc.
c/o Ktorres Services Corp
600 S Federal Hwy Ste 207
Deerfield Beach, FL 33441

Connie J. Bearey a/k/a Connie J. Beary
6675 S Oriole Blvd Apt 404
Delray Beach, FL 33446