

Filing # 143005174 E-Filed 01/31/2022 06:30:24 PM

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

CASE NO. CACE19010862 DIVISION 11 JUDGE Andrea Gundersen

**Bank of New York Mellon**

Plaintiff(s) / Petitioner(s)

v.

**Andrew J Mackey, et al**

Defendant(s) / Respondent(s)

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**CONSENT FINAL JUDGMENT OF FORECLOSURE**

THIS action having come before the Court on Plaintiff's Motion for Entry of Consent Final Judgment on January 31, 2022 after proper notice to all parties, and with consideration to the settlement agreement entered into between Plaintiff and defendant Statewide Homeowners Solution, LLC, and all other defendants to the case being defaulted, Plaintiff's Motion for Entry of Consent Final Judgment is Granted. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1.The Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR CERTIFICATEHOLDERS OF CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-5 is due:

Principal Balance	\$389,368.12
Interest at 9.35% to 1/31/2022	\$518,792.03
Escrow Balance at Loan Transfer	\$97,930.20
Pre-Accelerated Late Charges	\$2,109.25
Insurance	\$26,958.41
Taxes	\$30,996.34
BPO/Aprsl Cost	\$355.00
Title Cost	\$750.00
Property Inspection	\$930.00
Court Costs	\$2,429.99
Attorney Cost	\$1,425.00
Filing Cost	\$1,981.00
Photos	\$76.00
Securing	\$95.00

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Winterization	\$105.00
Property Pres	\$280.00
Credits	(\$357.00)
Attorneys' Fees – Kelley Kronenberg	\$12,498.50
<b>JUDGMENT GRAND TOTAL</b>	<b>\$1,086,722.84</b>

That shall bear interest at the prevailing statutory rate pursuant to Florida Statute 55.03.

2. The Plaintiff, whose address is c/o Shellpoint Mortgage Servicing, 55 Beattie Place, Suite 110, Greenville, SC 29601, holds a lien for the total sum superior to all claims or estates of Defendant(s) ANDREW J. MACKEY; VERONICA MACKEY; BANYAN TRAILS PROPERTY OWNERS ASSOCIATION, INC.; STATEWIDE HOMEOWNER SOLUTIONS, LLC; UNKNOWN TENANT #1 N/K/A RONI SCHERRER and UNKNOWN TENANT #2 N/K/A KELLY SCHERRER on the following described property in Broward County, Florida:

4165 Banyane Trl Dr., Coconut Creek, FL 33073, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Legal Description: ALL THAT CERTAIN LAND SITUATE IN BROWARD COUNTY, FLORIDA:

LOT 17, PARCEL 2

A PORTION OF PARCEL "C" OF "BANYAN TRAILS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 154, AT PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL "D" OF SAID PLAT OF "BANYAN TRAILS" THENCE SOUTH 00°50'22"EAST, A DISTANCE OF 696.94 FEET; THENCE SOUTH 87°58'05"WEST, A DISTANCE OF 566.53 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 32°45'40" WEST, A DISTANCE OF 98.67 FEET;

THENCE NORTH 06°17'57" EAST, A DISTANCE OF 31.82 FEET TO A POINT ON A CIRCULAR CURVE, SAID POINT BEARS SOUTH 04°14'51" WEST FROM THE CENTER OF THE FOLLOWING DESCRIBED CURVE;

THENCE NORTHWESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT BEING CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 60.00 FEET AND A CENTRAL ANGLE OF 23°49'01" FOR AN ARC DISTANCE OF 24.94 FEET TO A NON-TANGENT LINE;

THENCE SOUTH 49°09'03"WEST, A DISTANCE OF 38.38 FEET;

THENCE SOUTH 02°01'56" EAST, A DISTANCE OF 129.57 FEET TO A POINT ON A CIRCULAR CURVE, SAID POINT BEARS SOUTH 09°28'31" EAST FROM THE CENTER OF THE FOLLOWING DESCRIBED CURVE:

THENCE NORTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, BEING CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 325.00 FEET AND A CENTRAL ANGLE OF 18°20'06" FOR AN ARC DISTANCE OF 104.00 FEET TO THE POINT OF BEGINNING.

The aforesaid lien of the Plaintiff is prior, paramount and superior to all rights, claim, liens, interest, claim, encumbrances and equities of the Defendants and all persons, firms or corporations claiming by, through or under said defendants or any of them and the property will be sold free and clear of all claims Defendants, with the exception of any assessments pursuant to Florida Statutes 718.116 and 720.3085.

3. 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 Court shall sell the property at public sale to occur no sooner than one hundred and twenty (120) days from entry of consent final judgment on **May 31, 2022** to the highest bidder for cash, except as prescribed in Paragraph 5, WWW.BROWARD.REALFORECLOSE.COM at 10:00 A.M. in accordance with Florida Statute 45.031 (1995)

4. In addition, Plaintiff may assign the Judgment and credit bid by the filing of an Assignment without further order of this court. The 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 the Plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to the judgment, or such part of it, as necessary to pay the bid in full.

5. 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.

6. 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 (2010) 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.

7. Jurisdiction of this action is retained to enter further orders that are necessary or are proper

including, but not limited to, re-foreclosure against any subordinate interest omitted from these proceedings, determining the amounts owed to any condominium or homeowners association, or issuance of a writ of possession and the entry of a deficiency judgment, when and if such deficiency is sought if the parties liable under the note have not been discharged in bankruptcy (however no deficiency may be sought if the parties liable under the note were subject to an order allowing Plaintiff or its predecessors-in-interest only in rem relief from the bankruptcy automatic stay).

**8. Assignment - The Plaintiff may assign the Judgment and credit bid by the filing of an assignment prior to the issuance of the Certificate of Title without further order of the Court.**

**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.**


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

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"The court retains jurisdiction in this matter to address any issues of entitlement, rights or obligations under Chapters 718 and 720, Florida Statutes, of the parties to this action, their successors or assignees."

**DONE** and **ORDERED** in Chambers, at Broward County, Florida on 01-31-2022.

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Hon. Andrea Gundersen

**CIRCUIT JUDGE**

Electronically Signed by Andrea Gundersen

**Copies Furnished To:**

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