

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 7/10/2019 4:30:00 PM.****

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

THE BANK OF NEW YORK MELLON,
AS TRUSTEE FOR CIT MORTGAGE
LOAN TRUST 2007-1,

CASE NO: CACE-18-028876

Plaintiff

v.

JESUS RIOS; ET. AL.,

Defendant(s),

Filed In Open Court
CLERK OF THE CIRCUIT COURT
ON JUL 10 2019
BY P. J. S.

CONSENT FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on July 10, 2019 on Joint Motion for Entry of Consent Final Judgment. Based on the evidence presented and being otherwise fully informed in the premises,

IT IS ADJUDGED that:

1. The Final Judgment is GRANTED. Service of process has been duly and regularly obtained over Defendants: JESUS RIOS; GLADYS RIOS; TOWN CENTER CLUB AUTHORITY, INC.; and RACQUET CLUB APARTMENTS AT BONAVENTURE 4 SOUTH CONDOMINIUM ASSOCIATION, INC.
2. **Amounts Due.** There is due and owing to Plaintiff, THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1, whose address is 3217 S. Decker Lake Dr., Salt Lake City, Utah 84119, the following:

Principal due on the note secured by the mortgage foreclosed:	\$ 220,649.80
Interest on the note and mortgage from 12/01/17 to 06/13/19	\$ 15,207.02
Per diem interest at day from to	\$
Late Charges	\$ 234.74
Escrow Advances	\$ 5,146.01
Recoverable Balance	\$ 23,742.84
Total Fees	\$ 20.00
Suspense Balance	\$
SUBTOTAL	\$ 265,000.41
<u>Additional Costs:</u>	
Property Inspection Fees	\$
Property Valuation Fees/BPO	\$
Maintenance Fees	\$
SUBTOTAL	\$

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Attorney's fees and costs	
Attorney Fees	\$
Costs	\$
TOTAL SUM	\$ 265,000.41

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest, 6.57%.
4. **Lien on Property.** Plaintiff holds a lien for the grand total sum specified in Paragraph 2 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, through, or under 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 Section 718.116, *Florida Statutes*. Plaintiff's lien encumbers the subject property located in Broward County, Florida and described as:

**UNIT NO. 206, BUILDING NUMBER TWENTY SIX,
RACQUET CLUB APARTMENTS AT BONAVENTURE
4 SOUTH, A CONDOMINIUM ACCORDING TO THE
DECLARATION OF CONDOMINIUM RECORDED IN
OFFICIAL RECORDS BOOK 8307, PAGE(S) 254, AND
AMENDMENTS THERETO, OF THE PUBLIC
RECORDS OF BROWARD COUNTY.**

Property address: 215 Lakeview Drive, Unit 206, Weston, FL 33326

5. **Sale of Property.** If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on November 7, 2019, to the highest bidder for cash, except as prescribed in paragraph 6:

_____ by electronic sale at www.broward.realforeclose.com beginning at 10:00 a.m., in accordance with Section 45.031, *Florida Statutes*.

The public sale shall not be postponed or canceled without a court order, unless the defendant files for bankruptcy and shall proceed regardless of whether plaintiff, a plaintiff's representative, or plaintiff's counsel is present. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. two business days before the sale date. Counsel for plaintiff must be certain that the clerk has the original proof of publication of the notice of sale on file no less than three business days before the sale date. Failure to file the original proof of publication of the notice of sale will not stop the sale, however the certificate of sale will not issue until the original proof of publication of notice of sale is filed. The failure of plaintiff's counsel to properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff's counsel individually, and the law firm representing the plaintiff. If the original proof of publication of the notice of sale is not filed with the clerk within ten calendar days after the sale, an order will be entered directing the plaintiff to show cause why

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the sale should not be vacated and the case dismissed with or without prejudice. The fact that an attorney has a high volume practice will not be a showing of good cause. Any electronic sale by the clerk shall be in accordance with the written administrative policy for electronic sales published by the clerk at the official website for the clerk and posted in the public areas of the clerk's offices.

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. 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. The Clerk shall receive the service charged imposed in Section 45.031, *Florida Statutes*, for services in making, recording, and certifying the sale and title that shall be assessed as costs.
7. **Right of Redemption.** On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Section 45.0315, *Florida Statutes*, shall be terminated.
8. **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 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.
9. **Right of Possession.** Upon filing of the Certificate of Title, defendant 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 and the purchaser at sale shall be let into possession of the property.
10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.
11. **Waiver of Deficiency.** Plaintiff hereby agrees to waive and completely release Defendants, JESUS RIOS and GLADYS RIOS from any claim(s) for any deficiency arising from the judicial sale of the subject property.
12. **Re-establishment of Lost Note.** The Court finds that Plaintiff has re-established the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, *Florida Statutes*. Plaintiff shall hold Defendants harmless and shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost note. Since adequate protection is provided as required by Section 673.3091, *Florida Statutes*, judgment is hereby entered in favor of Plaintiff as to its request to enforce the lost note.

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 THE FINAL JUDGMENT.

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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 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, BROWARD COUNTY COURTHOUSE, 201 SE 6 STREET, ROOM 230, FORT LAUDERDALE, FLORIDA 33301. WITHIN 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, 491 STATE ROAD 7, PLANTATION, FLORIDA, 33317; (954) 765-8950; HTTP://WWW.LEGAL.AID.ORG/BROWARD/ 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 THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER

DONE AND ORDERED in Broward County, Florida this 10 day of July, 2019.


Circuit Judge

TT Kenyetta N. Alexander (36815)

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