

**** FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 4/9/2019 4:30:00 PM.****

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

CASE NO.: CACE18008947

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
AMERIQUEST MORTGAGE SECURITIES
INC., ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2005-R5,

Plaintiff,

VS.

PATRICIA VARGAS; BANK OF
AMERICA, N.A.; FLORIDA HOUSING
FINANCE CORPORATION; UNKNOWN
SPOUSE OF PATRICIA VARGAS; RUSSO
& ELLIOT DMD PA; DELROY FRANCIS
A/K/A DELROY L. FRANCIS; CAPITAL
ONE BANK (USA), N.A.; FOX RUN
HOMEOWNERS, INC.; UNKNOWN
TENANT 1; UNKNOWN TENANT 2
Defendant(s).

Filed In Open Court
CLERK OF THE CIRCUIT COURT
ON APR 09 2019
BY Rites LS.

CONSENT FINAL JUDGMENT

THIS ACTION was heard before the Court at Non-Jury Trial on April 9, 2019. On the
evidence presented,

IT IS ADJUDGED THAT:

1. Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2005-R5, whose address is, Attention: Vault
Department, 5720 Premier Park Drive, West Palm Beach, FL- 33407, is due:

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|---|--------------|
| Principal | \$208,830.16 |
| Interest from 10/01/2015 through 04/19/2019 | \$14,826.93 |
| Deferred Principal Balance | \$487,416.54 |
| Escrow Balance | \$35,881.16 |
| Pre-acceleration Late Charges | \$193.44 |

| | |
|---|---------------------|
| Exterior Inspection | \$145.00 |
| Property Inspection | \$227.00 |
| Property Valuation/ BPO | \$110.00 |
| Attorney's fees | \$9,363.25 |
| <u>\$3,450.00</u> Flat Rate Fee on behalf of Plaintiff for the prosecution of this action. | |
| <u>\$3,763.25</u> Additional Attorney Fees for the prosecution of this action | |
| <u>\$2,150.00</u> Attorney hourly rate of \$215.00 for 10 hours for the preparation and attendance at the Non- Jury Trial scheduled for <u>April 9, 2019.</u> | |
| Court costs | \$4,076.63 |
| Clerks Fee to Reopen Case | \$50.00 |
| Complaint Filing | \$1,906.00 |
| Florida eFiling Service Fee | \$5.00 |
| Complaint - Additional Cost per Defendant | \$12.50 |
| Complaint - Issue Summons | \$100.00 |
| Service of Process | \$1,736.60 |
| Publication for Service | \$245.00 |
| First Class Mail | \$16.53 |
| SUBTOTAL | \$761,070.11 |
| LESS: Other Suspense Balance | (\$10,128.64) |
| TOTAL | \$750,941.47 |

That shall bear interest at the rate of 6.33% a year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), PATRICIA VARGAS; BANK OF AMERICA, N.A.; FLORIDA HOUSING FINANCE CORPORATION; UNKNOWN SPOUSE OF PATRICIA VARGAS N/K/A FERNANDO VARGAS; RUSSO & ELLIOT DMD PA; DELROY FRANCIS A/K/A DELROY L. FRANCIS; CAPITAL ONE BANK (USA), N.A.; FOX RUN HOMEOWNERS, INC.; UNKNOWN TENANT 1 N/K/A ALLEN FABIAN CARRILLO; UNKNOWN TENANT 2 N/K/A LORETTA ROSE; on the following described property in Broward County, Florida and described as:

LOT 2, BLOCK 6, JACARANDA PARCEL 101, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 132, AT PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Property Address: 10460 NORTHWEST 18TH MANOR, PLANTATION, FL 33322-3557

3. If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to the Judgment are not paid, the Clerk of this Court shall sell the property at public sale, **no sooner than One Hundred and Twenty (120) days from the date of the Final Judgment**, on the 7 day of August, 2019, to the highest bidder for cash, except as prescribed in Paragraph 4, at the courthouse located at 201 Southeast 6th Street, Suite 230, Fort Lauderdale, FL 33301 in Broward County, Florida, in accordance with section 45.031, Florida Statutes, using the following method:
 - At the Broward Online, www.broward.realforeclose.com beginning at 10:00 AM on the prescribed date.
4. 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.
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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorney's fees; fourth, the total sum due to plaintiff, less the item 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. If applicable, Plaintiff, its successors or assigns, is entitled to safe harbor under F.S. 720 or 718, respectively, and as such is only responsible to pay 1% of the subject mortgage or one (1) year of regular periodic assessments, at the time Certificate of Title is issued

vesting title to Plaintiff, its successors or assigns. Plaintiff, including its successors and assigns, is not responsible for interest, late fees, collection costs or attorney's fees incurred prior to the issuance of the certificate of title.

7. On filing of 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 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. If any Defendant remains in possession of the property, the clerk shall without further order of the Court issue forthwith a Writ of Possession upon request of the person named on the Certificate of Title.
8. Plaintiff agrees to an extended sale date of no less than One Hundred-Twenty (120) calendar days after the entry of this Final Judgment. The Defendant, Patricia Vargas agrees to the entry of a Final Judgment as postulated in the Stipulation of Consent to Entry of Final Judgment. As such the Court adopts, affirms and ratifies the stipulation agreement between the parties.
9. *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.*
10. *Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, and orders relating to supplemental proceedings to address any omitted parties who may possess an interest in the property. Jurisdiction of this action is further retained to allow Plaintiff to file post-judgment motions seeking a determination on the amounts of assessments due to any*

Associations under §718.116 and §720.3085, Fla. Stat.

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 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 FOR YOUR COUNTY 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.

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| Broward County Clerk of Court |
| 201 SE 6 th Street Fort Lauderdale, FL 33301 (954) 831-6610 www.clerk-17th-flcourts.org |

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 THE LOCAL LEGAL SERVICES LISTED BELOW 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 ONE OF THE SERVICES LISTED BELOW, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

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| Broward County |
| Coast to Coast Legal Aid of South Florida, Inc. Plantation, FL (954) 736-2400 www.legalaid.org |

FIU College of Law Educational Advocacy Clinic

Miami, FL
(305) 348-7541
www.fiu.edu

Florida Immigrant Advocacy Center (Miami Office)

Miami, FL
(305) 573-1106
www.fiacfla.org

Florida Institutional Legal Services, Inc.

Gainesville, FL
(352) 375-2494
fls@bellsouth.net

Florida Justice Institute

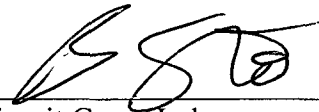
Miami, FL
(305) 358-2081

Legal Aid Service of Broward County, Inc.

Plantation, FL
(954) 765-8950

DONE AND ORDERED in Broward County, Florida, this 9 day of

April, 2019.


Circuit Court Judge

Copies Furnished to:

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10460 Northwest 18th Manor
Plantation, FL 33322

Unknown Spouse Of Patricia Vargas N/K/A Fernando Vargas
2832 WYNHAVEN OAKS WAY
Lawrenceville, GA 30043 1309

Russo & Elliot DMD PA
C/O Charles D. Russo
2801 University Drive, #102
Coral Springs, FL 33065

Capital One Bank (USA), N.A.
C/O President, Vice President Or Any Other Person Authorized To Accept Service
100 Shockoe Slip, 2nd Floor
Richmond, VA 23219

Unknown Tenant 1 N/K/A Allen Fabian Carrillo
10460 Northwest 18th Manor
Plantation, FL 33322

Unknown Tenant 2 N/K/A Loretta Rose
10460 Northwest 18th Manor
Plantation, FL 33322