

Filing # 105509731 E-Filed 03/26/2020 06:09:23 PM

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

CASE NO. CACE19017910 DIVISION 04 JUDGE Sandra Perlman

Woodlands Section Five Association Inc

Plaintiff(s) / Petitioner(s)

v.

Sam J Sewell, III, et al

Defendant(s) / Respondent(s)

_____ /

CONSENT SUMMARY FINAL JUDGMENT FOR PLAINTIFF

THIS CAUSE having come on to be heard on March 26, 2020, on the Motion for Final Summary Judgment filed by Plaintiff, THE WOODLANDS SECTION FIVE ASSOCIATION, INC. against Defendants, SAM J. SEWELL, III and MADELINE SEWELL, and the Court having reviewed the pleadings and affidavits filed by Plaintiff, having heard argument of counsel, and being otherwise fully advised in the premises:

ORDERS AND ADJUDGES as follows:

1. Service of process has been obtained over the owner of the property, SAM J. SEWELL, III by virtue of the summons served upon him at the subject property's address on September 4, 2019. Service of process has been obtained over defendant's spouse, MADELINE SEWELL, by virtue of the summons served upon defendant at the subject property's address on September 4, 2019.

2. The equities of this action are in favor of Plaintiff and Plaintiff is entitled to the foreclosure of its lien. Plaintiff is due: \$ 8,794.00 in homeowner's assessments. Additionally, Plaintiff is owed the amounts of \$1,585.44 for expenses and \$17,775.00 for attorneys' fees, making a TOTAL SUM of \$28,154.44 for Plaintiff. This total sum shall bear interest at the statutory rate until paid in full.

The Court finds that, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff that 47.4 hours were reasonable expended by Plaintiff's counsel and that an hourly rate of \$375 per hour is appropriate. Plaintiff's counsel represents that the attorney's fees awarded do not exceed its contract fee with the Plaintiff. The court finds that there are no reduction or enhancement factors for consideration by the court pursuant to Florida Patients Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

3. Plaintiff holds a lien for the total sums set forth in Paragraph 2 superior to all claims, interests or estates of Defendants, SAM J. SEWELL, III and MADELINE SEWELL, and any person or entities claiming by, through, under or against it, on the following-described property located and situated in Broward County, Florida:

Lot 18, Block 40 of THE WOODLANDS SECTION FIVE, according to the Plat thereof, as Recorded in Plat Book 67 at Page 43 of the Public Records of Broward County, Florida.

With a Street Address of 4906 Umbrella Tree Lane, Tamarac, FL 33319

Property ID Number: 4941-14-11-1110

4. If the total sum due and owing to Plaintiff as set forth in Paragraph 2, with interest and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the property described in Paragraph 3 by electronic sale beginning at 10:00 A.M. on June 23, 2020, to the highest bidder for cash, except as prescribed in Paragraph 5, at the Broward County's Public Auction website: www.broward.realforeclose.com in accordance with Section 45.031, Florida Statutes. SAID SALE DATE SHALL NOT BE LESS THAN NINETY (90) DAYS FROM THE DATE OF THIS JUDGMENT.

5. 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. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

6. On filing the Certificate of Sale, Defendants and all persons claiming under or against Defendants since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and Defendants' right of redemption (if any) as prescribed by Florida Statutes, Section 45.0315 shall be terminated. Upon the filing of the Certificate of Title, the person named on the certificate of title shall be let into possession of the property, subject to the rights of a tenant occupying residential premises pursuant to section 83.561, Florida Statutes.

7. 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 attorney's fees; fourth, the total sum due to Plaintiff, as set forth in Paragraph 2, less the items paid, plus interest at the rate prescribed by law from this date to the date of the sale; and by retaining any remaining amount pending the further Order of this Court.

8. On filing the Certificate of Title, Defendants and all persons claiming by, through, under, or against Defendants since the filing of the Notice of Lis Pendens in this action shall be foreclosed of all estate, interest or claim in the property described in Paragraph 3, and the purchaser or purchasers at the sale shall be let into possession of the property. The Clerk of the Circuit Court is ordered to issue a Writ of Possession upon demand by the purchaser or purchasers.

9. Notices pursuant to Section 45.031, Florida Statutes:

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 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, BROWARD COUNTY COURTHOUSE, ATTN: FORECLOSURE, 201 S.E. 6TH STREET, ROOM #230, FORT LAUDERDALE, FL 33301 (TELEPHONE: 954-831-6565 OR 954-712-7899), 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, FL 33317, TELEPHONE (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 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, FL 33317, TELEPHONE (954) 765-8950 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT

CaseNo: CACE19017910

Page 4 of 4

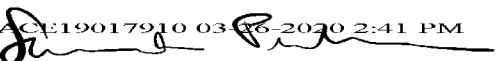
OF THIS NOTICE.

10. If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order of this court.

11. The Court retains jurisdiction of this action to enter such further Orders that are proper, including without limitation, orders authorizing writs of possession; and award or additional attorney's fees; to enter a deficiency judgment against those parties who may be personally liable and not discharged in bankruptcy, except as may otherwise be provided in this judgment; to enter a reforeclosure judgment/order to correct errors or omissions in this foreclosure action; or to determine any additional amounts to the homeowner's association.

12. The Court also reserves jurisdiction so that in the event additional sums are expended by Plaintiff to protect its interest in the property after entry of this judgment including but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs. Plaintiff may file an affidavit setting forth such expenditures and the Court may enter an order awarding Plaintiff the amount expended and add it to the grand total amount due under this final judgment, or if the property has been redeemed by the payment of the judgment the Court can enter a new foreclosure judgment for the amount expended.

DONE and **ORDERED** in Chambers, at Broward County, Florida on 03-26-2020.


CACE19017910 03-26-2020 2:41 PM

CACE19017910 03-26-2020 2:41 PM

Hon. Sandra Perlman

CIRCUIT JUDGE

Electronically Signed by Sandra Perlman

Copies Furnished To:

Kinley I Engvalson , E-mail : kengvalson@kraskerlaw.com

Kinley I Engvalson , E-mail : servicehad@kraskerlaw.com

Kinley I Engvalson , E-mail : servicehad2@kraskerlaw.com

Russell T Beyer , E-mail : Lawguy@Bellsouth.net