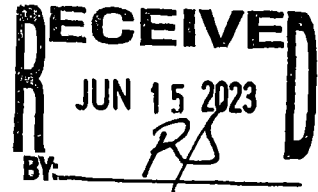


\*\*\*\* FILED: BROWARD COUNTY, FL Brenda D. Forman, CLERK 6/15/2023 11:02:37 AM.\*\*\*\*



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

THE BANK OF NEW YORK MELLON, *etc.*,

CASE NO.: CACE11023871

Plaintiff,

v.

JOSEPH BEHR; and UNKNOWN TENANT #1  
N/K/A WESLEY RUBIN,

Defendants.

\_\_\_\_\_ /

**DEFAULT AND SUMMARY FINAL JUDGMENT OF FORECLOSURE**

**THIS CAUSE** having come before the Court at hearing on June 15, 2023, on Plaintiff, THE BANK OF NEW YORK MELLON, *etc.* 's ("Plaintiff") Motion for Summary Final Judgment of Foreclosure against Defendant, JOSEPH BEHR, and Default Final Judgment of Foreclosure against Defendant, UNKNOWN TENANT #1 N/K/A WELSEY RUBIN (collectively, "Defendants"), filed on April 14, 2023 (the "Motion"), and being otherwise advised, it is hereby

**IT IS ADJUDGED THAT:**

1. **Amounts Due and Owing.** Plaintiff is due the following amounts:

Type	Amount
Principal Balance	\$343,497.78
Accrued Interest from August 1, 2010, to March 15, 2023	\$361,963.28
Accrued Interest from March 16, 2023, 2022, to June 15, 2023 (Per Diem: \$87.05)	\$7,921.55
Escrow Advances`	\$86,269.81
Unapplied Balance	-\$111.50
<b>TOTAL</b>	<b>\$799,540.92</b>

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2. **Interest.** The TOTAL amount referenced in Paragraph 1 above shall bear interest from this date forward at the prevailing legal rate as set forth in Florida Statutes § 55.03.

3. **Lien on Property.** Plaintiff whose address c/o NewRez, LLC f/k/a New Penn Financial, LLC b/d/a Shellpoint Mortgage Servicing, 75 Beattie Place, Suite 300, Greenville, South Carolina 29601, holds a lien for the total sum superior to all claims or estates of Defendants. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of Defendants and all persons, corporations, or other entities claiming by, through or under Defendants or any of them on the following described property in Broward County, Florida (collectively, the "Property"):

THE EAST ½ OF LOT 10 and ALL OF LOT 11, BLOCK 2, FAIRVIEW ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, Page 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY.

Property Address: 871 Southwest 10<sup>th</sup> Street, Pompano Beach, Florida 33060

4. **Sale of Property.** If the TOTAL amount referenced in Paragraph 1 with interest at the rate described in Paragraph 2 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Courts shall sell the Property at public sale on July 20, 2023 to the highest bidder for cash, except as prescribed in Paragraph 5, in accordance with section 45.031, Florida Statutes, by electronic sale beginning at 10:00 a.m., on the prescribed date at: [www.broward.realforeclose.com](http://www.broward.realforeclose.com). The foreclosure sale can only be cancelled by court order.

5. **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, 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

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such part of it, as is necessary to pay the bid in full.

6. **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 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 described in Paragraph 2 from this date to the date of sale; and by retaining any remaining amount pending the further order of this Court.

7. **Right of Redemption/Right of Possession.** Upon filing of 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 or all estate or claim in the Property, except as to the claims or rights under Section 45.01315, Florida Statutes shall be terminated, except as to the claims or rights under Chapter 718 or Chapter 720, Fla. Stat., if any. Upon filing of the Certificate of Title, the person named in the Certificate of Title shall be let into possession of the Property, subject to tenant protections in compliance with the provisions of Section 83.561., Fla. Stat.

8. **Attorneys' Fees and Costs.** The Court reserves jurisdiction to award a reasonable attorneys' fee to Plaintiff.

9. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, amending the judgment to include additional pre-sale costs incurred by Plaintiff arising from the advancement of funds for taxes and insurance for the Property, writs of possession, or the filing of supplemental complaints for the reforeclosure of junior lienholders, motions to compel redemption and all other reforeclosure of lien proceedings by Plaintiff or subsequent owners of the Property.

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10. **Assignability.** Plaintiff shall have and is hereby given leave to bid at the foreclosure sale and to apply against any bid made by it the amount awarded in this judgment. Plaintiff shall have the right to assign this judgment and the right to credit bid at the foreclosure sale and apply against any bid made the amount awarded to Plaintiff in this judgment. In the event there is such an assignment, Plaintiff shall file a Notice of Assignment of Foreclosure Judgment with the Court that identifies the assignee, and the Clerk of Court shall recognize the assignee as the owner of this judgment with a right to credit bid the amount awarded herein, without further order of this Court. Plaintiff shall have the right to assign its successful bid at the foreclosure sale. In the even there is such an assignment, Plaintiff shall file a Notice of Assignment of Successful Bid with the Court that identifies the assignee, and the Clerk of Court shall recognize the assignee as the owner of the successful bid and the party to be named in the Certificate of Title to be issued by the Clerk of the Court, without further order of this Court.

11. **NOTICE:**

**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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THIS SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

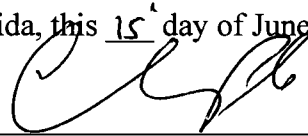
**IF YOU ARE A PROPERTY OWNER YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE PALM BEACH COUNTY CLERK OF THE COURT, 205 NORTH DIXIE HIGHWAY, WEST PALM BEACH, FLORIDA 33401, (561) 355-2996, 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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**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 BROWARD COUNTY LEGAL AID, 491 NORTH STATE ROAD 7, PLANTATION, FLORIDA 33317, TELEPHONE: (954) 765-8950, TO SEE IF YOU QUALIFY FOR SERVICES. IF YOU CONTACT BROWARD COUNTY LEGAL AID FOR ASSISTANCE YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER THIS NOTICE.**

DONE AND ORDERED in Broward County, Florida, this 15 day of June, 2023.



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CIRCUIT COURT JUDGE

Conformed copies to:

**Adam J. Wick, Esq.**  
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*Counsel for Defendant, Joseph Behr*

**Unknown Tenant #1 N/K/A Wesley Rubin**  
871 SW 10<sup>th</sup> Street  
Pompano Beach, FL 33060