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IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION

Case No. 13-2012-CA-044079
Division 40

WELLS FARGO BANK, N.A. SUCCESSOR
BY MERGER TO WACHOVIA BANK, N.A.
Plaintiff,

vs.

MERCY D. NOEL, LINDA JOSEPH A/K/A
LINDA NOEL A/K/A LINDA
JOSEPH-NOEL, COMMUNITY SOUTH
BANK, AND UNKNOWN
TENANTS/OWNERS,
Defendants.

FILED FOR RECORD
2014 FEB -3 PM 2:15
CLERK OF COURT
CIRCUIT & COUNTY OF
MIAMI-DADE
\$ 201,259.58

FINAL ORDERS AS TO ALL PARTIES
SRS DISPOSITION
NUMBER
THE COURT DISMISSES THIS CASE AGAINST
ANY PARTY NOT LISTED IN THIS FINAL ORDER
OR PREVIOUS ORDER(S). THIS CASE IS CLOSED
AS TO ALL PARTIES.
Judge's Initials

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FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court's Foreclosure Non-Jury Trial on February 3, 2014. On the evidence presented, **IT IS ORDERED AND ADJUDGED** that Final Judgment for Plaintiff is **GRANTED** against all Defendants listed by name: MERCY D. NOEL, LINDA JOSEPH A/K/A LINDA NOEL A/K/A LINDA JOSEPH-NOEL, COMMUNITY SOUTH BANK.

1. Amounts Due and Owed. Plaintiff is due:

Principal due on the note secured by the mortgage foreclosed:	\$155,717.03
Interest on the note and mortgage from 11/14/2011 to 02/03/2014	\$21,842.63
Title search expenses	\$325.00
Title Update	\$75.00
Property Taxes	\$11,253.12
For the year of 2009: \$ 4,658.17	
For the year of 2011: \$ 3,513.50	
For the year of 2012: \$ 3,081.45	
Hazard Insurance	\$8,148.20
For the year of 2012: \$ 3,498.66	
For the year of 2013: \$ 4,649.54	

Attorneys' Fees:

Finding as to reasonable number of hours:

Finding as to reasonable hourly rate:

Other*: \$2,050.00

Attorneys' Fees Total

\$2,050.00

*** (The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)**

Court Costs:

Filing Fee

\$946.00

Service of Process \$55.00 per defendant(s)	\$687.60
Publication	\$165.00
Recording Fee	\$8.00
SUBTOTAL	\$201,217.58
<u>Additional Costs:</u>	
Property Inspection/Preservation	\$42.00
GRAND TOTAL	\$201,259.58

2. **Interest.** The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of interest, 4.75% a year.

3. **Lien on Property.** Plaintiff, whose address is: 1 HOME CAMPUS, FOURTH FLOOR, DES MOINES, IA 50328, holds a lien for the grand total sum superior to all claims or estates of the defendant(s), on the following described property in Miami Dade County, Florida:

LOT 24, AND THE WEST 21.57 FEET OF LOT 23, IN BLOCK 8, OF IRONS MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 71, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Property address: 900 NE 126TH STREET, NORTH MIAMI, FL 33161

4. **Sale of Property.** If the grand total amount 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 subject property at public sale, on 3/20/ 2014, at 9:00 A.M., to the highest bidder for cash after having first given notice as required by Section 45.031, Florida Statutes. The subject property shall be sold by electronic sale at: www.miamidade.realforeclose.com.

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 documentary stamps affixed to 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.

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

7. **Right of Possession.** Upon 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 the property, except as to claims or rights under Chapter 718 or Chapter 720, Fla. Stat., if any. Upon 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 provisions of the Protecting Tenants at Foreclosure Act of 2009, which was extended until 12/31/14 by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

8. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments and reforeclosure.

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 SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

(If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the following additional language applies:)

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, 73 WEST FLAGLER STREET, MIAMI, FLORIDA (TELEPHONE: 305-275-1155), 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 SOCIETY AT DADE COUNTY BAR ASSOCIATION, 123 N.W. FIRST AVENUE, SUITE 214, MIAMI, FLORIDA, (TELEPHONE: (305) 579-5733)," 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 SOCIETY AT DADE COUNTY BAR ASSOCIATION, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in chambers in Miami Dade County, Florida, this 3 day of February, 2014.

JEFFREY ROSINEK
SENIOR JUDGE
CIRCUIT JUDGE

Conformed Copy furnished to:

Lindsay Moczynski
Kass Shuler, P.A.
P.O. Box 800
Tampa, FL 33601-0800
Attorney for Plaintiff

MERCY D. NOEL
1212 NE 117TH ST
MIAMI, FL 336161

COMMUNITY SOUTH BANK
1201 HAYS STREET
TALLAHASSEE, FL 32301

LINDA JOSEPH NOEL A/K/A LINDA NOEL A/K/A LINDA JOSEPH-NOEL
275 NW 157TH ST
MIAMI, FL 33169

UNKNOWN TENANTS/OWNERS N/K/A MAX CHARMENT
900 NE 126TH STREET
NORTH MIAMI, FL 33161

309150/1210130/wmr