

(5)
FJD
1-3
\$ 183,332.69
IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR
DADE COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 09-82225 CA 05

FEDERAL NATIONAL MORTGAGE
ASSOCIATION
Plaintiff,

vs.

LINDA JOSEPH-NOEL A/K/A JOSEPH-NOEL
LINDA; THE OAKS AT MIAMI GARDENS
CONDOMINIUM ASSOCIATION, INC.; MERCY
D. NOEL A/K/A MERCY NOEL; UNKNOWN
SPOUSE OF LINDA JOSEPH-NOEL A/K/A
JOSEPH-NOEL LINDA; UNKNOWN TENANT (S)
IN POSSESSION OF THE SUBJECT PROPERTY,
Defendants.

FINAL JUDGMENT OF FORECLOSURE
(Pursuant to Administrative Order 09-09)

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on June 1, 2010. On the evidence presented **IT IS ORDERED AND ADJUDGED** that:

1. The Plaintiff's Motion for Summary Judgment is **GRANTED**. Service of process has been duly and regularly obtained over LINDA JOSEPH-NOEL A/K/A JOSEPH-NOEL LINDA; THE OAKS AT MIAMI GARDENS CONDOMINIUM ASSOCIATION, INC.; MERCY D. NOEL A/K/A MERCY NOEL; Unknown Tenant (s); defendants.
2. **Amounts Due.** There is due and owing to the Plaintiff the following:
- | | |
|---|---------------|
| Principal due on the note secured by the mortgage foreclosed: | \$ 152,100.00 |
| Interest on the note and mortgage from March 1, 2009 to June 1, 2010 | \$ 16,988.37 |
| Title search expenses | \$ 325.00 |
| Taxes | \$ 10,028.82 |
| Hazard Insurance | \$ 672.92 |

Court Costs:

Filing Fee	\$ 952.00
Service of Process	\$ 536.30
SUBTOTAL	\$ 181,603.41

Additional Costs:

Property Preservation	\$ 30.00
Pre-Acceleration Late Charges	\$ 399.28
SUBTOTAL	\$ 182,032.69
Attorney fees based upon 8 hours at \$162.50 per hour	\$ 1,300.00
GRAND TOTAL	\$ 183,332.69

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

4. **Lien on Property.** Plaintiff, whose address is 7105 Corporate Drive Plano, TX 75024, 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 Florida Statutes, Section 718.116.** The plaintiff's lien encumbers the subject property located in Miami-Dade County, Florida and described as:

UNIT 209 BUILDING NO. 1, OF THE OAKS AT MIAMI GARDENS CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED FEBRUARY 23RD, 2006 UNDER CLERK'S FILE NO. 06-0196688 IN OFFICIAL RECORDS BOOK 24263, AT PAGE 2379, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME.

Property Address: **17602 NW 25TH AVENUE #209, MIAMI, FL 33169**

5. **Sale of property.** If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on NOV 1, 2010, to the highest bidder for cash, except as prescribed in Paragraph 6, at:

SALE DATE AUTHORIZED

☐ Room 908, 140 West Flagler Street, Miami, Florida at 11:00 a.m.

☒ www.miamidade.realforeclose.com, the Clerk's website for on-line auctions at 9:00 a.m.

150
day
sale

after having first given notice as required by Section 45.031, Florida Statutes.

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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 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.

7. **Right of Redemption.** On the filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.

8. **Distribution of Proceeds.** On the 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, subject to the provision of the "Protecting Tenant At Foreclosure Act of 2009".
10. **Attorney fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 8 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$162.50 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES 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 Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

11. **NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA ST (2006)**

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.

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, 140 WEST FLAGLER STREET, ROOM 908, MIAMI, FLORIDA TELEPHONE: (305) 375-5943, 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 THE LEGAL AID SOCIETY AT THE DADE COUNTY BAR ASSOCIATION, 123 N.W 1ST AVENUE, SUITE 214, MIAMI, FLORIDA, TELEPHONE: (305) 371-2220, 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 THE DADE COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

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

DONE AND ORDERED in Chambers in Miami Dade County, Florida, this 1 day of June, 2010.

CC: [illegible]
TO PLTF'S ATT
IN LIEU OF MAILING



Marc Schumacher
Circuit Judge

Marc Schumacher
Circuit Court Judge

Copies furnished to all parties
Law Office of Marshall C. Watson
1800 NW 49th Street, Suite 120
Fort Lauderdale, Florida 33309
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Toll Free: 1-800-441-2438

MAILING LIST

Case No.: 09-82225 CA 05

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

THE OAKS AT MIAMI GARDENS CONDOMINIUM ASSOCIATION, INC.
C/O GONZALO PEREZ JR PA 7915 CORAL WAY
MIAMI, FL 33155

MERCY D. NOEL A/K/A MERCY NOEL
275 NW 157TH ST
MIAMI, FL 33169

UNKNOWN TENANT N/K/A MYRNA WILLIAMS
17602 NW 25TH AVE #209
MIAMI, FL 33169

UNKNOWN TENANT (S)
17602 NW 25TH AVE #209
MIAMI, FL 33169

09-44208