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FJUD
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IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI DADE COUNTY,
FLORIDA

322 784.08
CIRCUIT CIVIL DIVISION

CASE NO. 10-00342 CA 09

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ONEWEST BANK, F.S.B.

Plaintiff,

v.

MIGUEL A. GONZALEZ, et al.

Defendants.

FILED
2012 OCT 18 PM 3:23
CLERK OF COURT
MIGUEL A. GONZALEZ

FORECLOSURE

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court at Trial on this 17th day of October, 2012. On the evidence presented, **IT IS ORDERED AND ADJUDGED** Plaintiff's Final Judgment of Foreclosure is **GRANTED** against all Defendants listed by name: MIGUEL A. GONZALEZ; YVELICE T. GONZALEZ and JOHN DOE N/K/A LUIS MENDEZ.

1. **Amounts Due and Owning.** Plaintiff is due:

Principal due on the note secured by the mortgage foreclosed:	\$ 265,000.00
Interest on the note and mortgage from 09/01/09 to 03/31/12	\$ 44,498.02
at 6.500% per diem	
Interest on the note and mortgage from 04/01/12 to 10/17/12	\$ 5,584.52
at 3.875% per diem	
Title search expenses	\$ 325.00
Taxes for the year(s) of 2011 - \$1,773.92	
2010 - \$1,827.55	
2009 - \$2,056.41 (Tax Certificate)	\$ 5,657.88
Hazard Insurance premiums for the year(s) of 2012 - \$1,665.44	\$ 1,665.44

Attorneys' Fees:

Finding as to reasonable number of hours:	19.40
Finding as to reasonable hourly rate:	\$175.00
Other*: \$850.00	
Attorneys' Fees Total	\$ 4,245.00

* (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, Now Taxed:

None Sought.

SUBTOTAL \$ 326,975.86

Additional Costs:

Late Charges prior to acceleration \$ 143.54

Property Inspection \$ 374.00

Vacant Property Registration \$ 250.00

SUBTOTAL \$ 327,743.40

Less: Credits to Corporate Advances < \$ 475.00 >

Less: Hazard Premium Refund < \$ 882.85 >

Less: Credits to Escrow < \$ 3,601.47 >

GRAND TOTAL \$ 322,784.08

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 2900 Esperanza Crossing, Austin, TX 78758, 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 4, BLOCK 1, OF SILVER PALMS ESTATES PART 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 68, AT PAGE 96, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Property address: **23550 SW 153 CT, HOMESTEAD, FL 33032**

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 the Court shall sell the subject property at public sale on FEB 14 2013, 2012, at 9:00 A.M. to the highest bidder for cash, except as prescribed in Paragraph 6, at Room 908, 140 West Flagler Street, Miami, Florida after having first given notice as required by Section 45.031, Florida Statutes, using the following method (CHECK ONE):

☐ At 140 West Flagler Street, Miami, Florida, beginning at 9:00 a.m. on the prescribed date.

☒ By electronic sale beginning at 9:00 a.m. on the prescribed date 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 the 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."

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

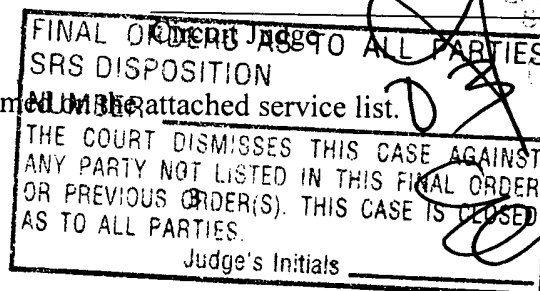
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE 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.

DONE AND ORDERED in Chambers in Miami Dade County, Florida, this 17th day of October, 2012.

Copies furnished to all parties named in the attached service list.

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SERVICE LIST:

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