

IN THE CIRCUIT COURT OF THE FIFTH
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR
CITRUS COUNTY
GENERAL JURISDICTION DIVISION
CASE NO. 2013-CA-001405

NOV 14 '14 8:44

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

ERIKA SUE EDLER, RICHARD EDLER,
UNITED STATES OF AMERICA
DEPARTMENT OF TREASURY -
INTERNAL REVENUE SERVICE, STATE
OF FLORIDA DEPARTMENT OF
REVENUE, UNKNOWN TENANT IN
POSSESSION 1 , UNKNOWN TENANT IN
POSSESSION 2 , UNKNOWN SPOUSE OF
ERIKA SUE EDLER, UNKNOWN SPOUSE
OF RICHARD EDLER, UNKNOWN
SPOUSE OF WOLFGANG H. EDLER, ANY
AND ALL UNKNOWN PARTIES
CLAIMING BY, THROUGH, UNDER, AND
AGAINST THE ESTATE OF WOLFGANG
H. EDLER, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSES, HEIRS, DEVISEES,
GRANTEES, OR OTHER CLAIMANTS.,any
and all unknown parties claiming by, through,
under, and against Any and all unknown
parties claiming by, through, under, and
against The Estate of Wolfgang H. Edler,
whether said unknown parties may claim an
interest as spouses, heirs, devisees, grantees,
or other claimants., whether said unknown
parties may claim an interest as spouses, heirs,
devisees, grantees, or other claimants,

Defendants.

SUMMARY FINAL JUDGMENT OF FORECLOSURE

THIS ACTION came before the Court on Plaintiff's Motion for Summary Final Judgment of

Foreclosure and Taxation of Attorneys Fees and Costs on November 13, 2014. The Court, based on the state of the record at the time of the hearing, finds that there is no material issue of fact or law and grants Plaintiff's Motion. It is therefore:

ORDERED AND ADJUDGED that:

1. This Court has jurisdiction of foreclosure cases pursuant to Florida Statutes. Service of process has been secured upon all parties.

2. Plaintiff holds a lien for the total sum in this Final Judgment, which is superior and prior to the right, title interest, claims of lien, encumbrances and equities of the following Defendants: ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST THE ESTATE OF WOLFGANG H. EDLER, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEEES, OR OTHER CLAIMANTS., ERIKA SUE EDLER, RICHARD EDLER, UNITED STATES OF AMERICA DEPARTMENT OF TREASURY - INTERNAL REVENUE SERVICE, STATE OF FLORIDA DEPARTMENT OF REVENUE, UNKNOWN SPOUSE OF RICHARD EDLER, UNKNOWN SPOUSE OF WOLFGANG H. EDLER, and all others claiming through or on behalf of said defendants, on the following real property:

Lot 8, Block A, ZAN-MAR VILLAGE UNIT NO. ONE, according to the map or plat thereof, as recorded in Plat Book 3, Pages 78 and 79, of the Public Records of Citrus County, Florida. a/k/a 9019 S Mountain Lake Ave , Floral City, FL 34436

3. Plaintiff, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, C/O 4500 Cheery Creek Drive South, Suit 100, Glendale, CO 80246 (servicer's address), is due the following:

Principal	\$108,679.56
Interest from 04/01/2013 to 11/13/2014 @ 5.50% with a per diem of \$16.32	\$9,668.74
Title search expense	\$425.00
Escrow Advances(Taxes and Insurance)	\$3,589.67
Attorneys' fees total:	\$5,025.00

Court costs, now taxed	\$3,345.02
Other: Pre Acceleration Late Charges	\$137.16
Other: Property Preservation	\$2,114.00
Other: Property Inspections	\$112.00
TOTAL	\$133,096.15

Said total shall bear interest at the rate of 4.75% a year.

4. This is an IN REM judgment against Erika Sue Edler, Richard Edler, Any and all unknown parties claiming by, through, under, and against The Estate of Wolfgang H. Edler, whether said unknown parties may claim an interest as spouses, heirs, devisees, grantees, or other claimants. as record title owners of the real property herein described. All other Defendants' interests are in the form of inferior liens to Plaintiff's note and mortgage. As such, said liens are extinguished subject to any statutory right of redemption as outlined further in this final judgment.

5. If the total sum with interest at the rate described in paragraph 3 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on January 8, 2015, at 10:00 AM to the highest bidder for cash, except as prescribed in paragraph 6, at 10:00 AM by electronic sale at www.citrus.realforeclose.com in accordance with section 45.031, Florida Statutes.

6. 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.

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 attorneys' fees; fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 3 from the date of this judgment 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 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, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any Defendant remains in possession of the property, the clerk shall not, without further Order of the court, issue forthwith a writ of possession upon request of the person named on the Certificate of Title.

9. The right of redemption of any Defendant is terminated upon the issuance of the Certificate of Sale by the clerk of court pursuant to the provisions of Florida Statutes 45.0315.

10. The United States shall have one year from the date of sale within which to redeem, except that with respect to a lien arising under the internal revenue laws the period shall be 120 days or the period allowable for redemption under State law, whichever is longer as provided in 28 USCS § 2410(c). Further, the United States shall not be bound by the sixty day time period imposed by § 45.032, Fla.Stat. upon Motions for Distribution of Surplus Proceeds.

11. The Court retains jurisdiction of this action to enter further Orders that are proper including, without limitation, writs of possession, deficiency judgments and re-foreclosure of omitted parties and to determine the amount of assessments due pursuant to Florida Statutes 718.116 or 720.3085, if applicable.

12. In the event the instant case is dismissed by the Plaintiff, the Clerk of Court is hereby directed to release any original loan documents filed with the Court to counsel of record for Plaintiff.

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 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 FOR CITRUS COUNTY, TELEPHONE NUMBER (352) 341-6400, 110 N. APOPKA AVENUE, INVERNESS, FL 34450, 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 CITRUS COUNTY LEGAL AID, 106 N. OSCEOLA AVENUE, INVERNESS, FL 34450, 352-726-8512 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 FLORIDA RURAL LEGAL SERVICE FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Citrus County, Florida, this 13th day of Nov, 2014


CIRCUIT JUDGE

Copies to parties on the attached service list.

SERVICE LIST

MCCALLA RAYMER, LLC

225 E. ROBINSON ST. SUITE 660
ORLANDO, FL 32801

State of Florida Department of Revenue
2450 Shumard Oak Blvd.
BLDG 1 FLOOR 2
Tallahassee, FL 32399

United States of America Department of Treasury - Internal Revenue Service
c/o US Attorney
400 N. Tampa Street
Suite 3200
Tampa, FL 33602
usafis.2410@usdoj.gov

Any and all unknown parties claiming by, through, under, and against The Estate of Wolfgang H. Edler, whether said unknown parties may claim an interest as spouses, heirs, devisees, grantees, or other claimants.

9019 S Mountain Lake Ave
Floral City, FL 34436

Unknown Spouse of Richard Edler
9019 S Mountain Lake Ave
Floral City, FL 34436

Richard F. Joyce, Esquire
Law Office of Richard F. Joyce, P.A.
P.O. Box 430991
Miami, FL 33243-0991
attorney@rfjoyce.com

Unknown Spouse of Wolfgang H. Edler
9019 S Mountain Lake Ave
Floral City , FL 34436

3465793

Furnished by U.S. or
Electronic Mail

Pursuant to SC10-2101 the
20 day of Nov. 20 14
By *J. H. Edler* D

13-07421-2

Addendum to Final Judgment

This addendum is a part of the final judgment to which it is attached. The rights and interests of the parties and anyone acquiring title to the mortgaged property at foreclosure sale are subject to and governed by the Helping Families Save Their Homes Act of 2009, 12 U.S.C. 5201. This means among other things that:

The party acquiring title through foreclosure sale takes subject to the interests of tenants as follows:

1. If the property is occupied by a bona fide tenant who has an unexpired written lease then the party acquiring title at the foreclosure sale shall honor all terms and conditions of the existing lease. The tenant must also honor all terms and conditions of the existing lease. However, if the party acquiring the property at foreclosure sale intends to occupy it as their primary residence then they may terminate the lease by giving the tenant a 90 day written notice before terminating the tenancy. Until the lease is terminated both parties must perform all terms and conditions of the existing lease.

2. If the property is occupied by a bona fide tenant without a lease or with a lease terminable at will under Florida law then the party acquiring title through foreclosure sale shall give the tenant a minimum 90 day written notice before terminating the tenancy. Until the tenancy is terminated both parties must perform all terms and conditions of the tenancy.

3. If the tenant is a participant in the Section 8 voucher program the new owner takes the property subject to the Section 8 lease and the Section 8 Housing Assistance Payments contract provided, however, if the new owner wants to live in the property then he shall give the tenant a minimum 90 day written notice before terminating the tenancy. Until the tenancy is terminated both parties must perform all terms and conditions of the tenancy.

A lease or tenancy is considered bona fide only if:

- a. The mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant;
- b. The lease or tenancy was the result of an arms length transaction; and
- c. The lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.