

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL  
CIRCUIT, IN AND FOR CITRUS COUNTY, FLORIDA  
CASE NO. 2009-CA-002366

INDYMAC FEDERAL BANK FSB,  
Plaintiff,

vs.

ANTHONY D. VIVERITO; ANY AND ALL UNKNOWN  
PARTIES CLAIMING BY, THROUGH, UNDER, AND  
AGAINST THE HEREIN NAMED INDIVIDUAL  
DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD  
OR ALIVE, WHETHER SAID UNKNOWN PARTIES  
MAY CLAIM AN INTEREST AS SPOUSES, HEIRS  
DEWISEES, GRANTEES, OR OTHER CLAIMANTS;  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,  
INC., AS NOMINEE FOR EMC MORTGAGE  
CORPORATION; TRUST COMPANY OF AMERICA  
FSO STEPHEN LEVINE; CRYSTAL GLEN PROPERTY  
OWNERS' ASSOCIATION, INC.;  
Defendants.

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**FINAL JUDGMENT IN MORTGAGE FORECLOSURE**

THIS CAUSE having come for Final Judgment on Plaintiff's Motion for Summary Final Judgment of Foreclosure and the documents offered in support thereof and the Court being fully advised in the premises, it is thereupon consideration,

IT IS ADJUDGED that:

1. Plaintiff, HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-7 (hereafter, "Plaintiff"), 1660 Worthington Avenue, West Palm Beach, FL 33409, is due

Principal	\$	180,713.39
Interest to date of this judgment (2-26-2015)	\$	59,229.72
Pre-Acceleration Late Charges	\$	183.80
Property Inspections	\$	77.00
<b>TOTAL</b>	<b>\$</b>	<b>240,203.91</b>

that shall bear interest at the rate of 4.75% per year and thereafter at the legal rate as provided by law.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of defendants, ANTHONY D. VIVERITO; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR EMC MORTGAGE CORPORATION; TRUST COMPANY OF AMERICA FSO

STEPHEN LEVINE; CRYSTAL GLEN PROPERTY OWNERS' ASSOCIATION, INC., on the following described property in CITRUS County, Florida:

**LOT 131, OF CRYSTAL GLEN, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 21 THROUGH 27 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.**

3. If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on April 2, 2015 to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 110 N. Apopka Avenue in CITRUS County in Inverness, Florida, in accordance with section 45.031, Florida Statutes, using the following method:

By electronic sale beginning at 10:00 a.m. on the prescribed date at [www.citrus.realforeclose.com](http://www.citrus.realforeclose.com).

4. 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.

5. 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 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

6. 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 certificates of title, the person named on the certificate of title shall be let into possession of the property.

7. That if Plaintiff should elect to assign its bid at sale, the assignment of bid shall be effective upon the filing of a Notice of Assignment of Bid or Motion and Order for Assignment of Bid and the Clerk of the above entitled Court is hereby directed to issue the Certificate of Title to such officer without further payment by such officer.

8. Jurisdiction of this action is retained to enter further orders that are proper.

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 SIXTY (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 CITRUS CLERK OF THE COURT, 352-341-6410 110 N. APOPKA AVENUE, INVERNESS, FL 34450 352-341-6410 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 Community Legal Services of Mid-Florida, Inc. - Inverness Office, at 106 N. Osceola Ave., 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 Community Legal Services of Mid-Florida, Inc. - Inverness Office, at 106 N. Osceola Ave., Inverness, FL 34450, (352) 726-8512, FOR ASSISTANCE , YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

9. Pursuant to *Ross v. Wells Fargo Bank*, 2013 Fla. App. LEXIS 2143, \*2-3 (Fla. 3d DCA Feb. 13, 2013), the Court retains jurisdiction of this action to enter Orders relating to supplemental

proceedings to address any omitted parties who may possess an interest in the subject property post-judgment.

10. That should the property be sold to a Third Party Purchaser, any and all sale proceeds due Plaintiff or Plaintiff's attorney be made payable to the Plaintiff of record.

11. This final judgment is in rem only per bankruptcy discharge.

ORDERED in Citrus County, Florida, on this 26<sup>th</sup> day of Feb 2015.

Carol A. Foley  
CIRCUIT JUDGE

**CASE NO.: 2009-CA-002366**

**SERVICE LIST:**

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Mortgage Electronic Registration Systems, Inc.  
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**rodger@spinklawlink.com**

Villages Services Cooperative  
2541 N. Reston Terrace  
Hernando, FL 34442  
***R.A. for Crystal Glen Property Owners' Association, Inc.***

Unknown Tenant #1  
1161 S. Fieldview Loop  
Lecanto, FL 34461

Furnished by U.S. or

Electronic Mail

Pursuant to SC10-2101 this  
2 day of Mar 2015  
By S. J. Musky, P.C.