

02/13/2020 12:15 Michael LaPlante

(FAX)813 899 6069

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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR CITRUS COUNTY, FLORIDA
CIVIL DIVISION

MADISON ALAMOSA HECM, LLC,

Plaintiff,

-vs-

Case No.: 2019-CA-001028

Division:

THE UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES OR OTHER CLAIMANTS CLAIMING BY, THROUGH, UNDER OR AGAINST JAMES M. BIERLY, DECEASED; KRISTIN MICHELLE BIERLY-BELL AND UNKNOWN SPOUSE OF KRISTIN MICHELLE BIERLY-BELL; SCOTT MARSHALL BIERLY AND UNKNOWN SPOUSE OF SCOTT MARSHALL BIERLY, if living, and all unknown parties claiming by, through, under or against the above named Defendants who are not known to be dead or alive, whether said unknown parties may claim an interest as spouses, heirs, devisees, grantees, assignees, lienors, creditors, trustees or other claimants, claiming by, through, under or against the said KRISTIN MICHELLE BIERLY-BELL AND UNKNOWN SPOUSE OF KRISTIN MICHELLE BIERLY-BELL; SCOTT MARSHALL BIERLY AND UNKNOWN SPOUSE OF SCOTT MARSHALL BIERLY; THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; CYRPRESS VILLAGE PROPERTY OWNERS ASSOCIATION, INC.; UNKNOWN TENANT 1; UNKNOWN TENANT 2,

Defendants. /

EXPEDITED IN REM FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Order to Show Cause on Feb. 13, 2020. On the evidence presented, *CAF*

IT IS ORDERED AND ADJUDGED that:

FEB-13'20 4:01PM

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1. Plaintiff, MADISON ALAMOSA HECM, LLC, whose address is 900 Highlands Drive, Suite 301, Solana Beach, California 92075, is due:

Principal	\$178,866.82
Interest through 9/12/19	\$137,520.90
Interest from 9/12/19 to 2/13/20	\$ 4,223.75
Prior Legal Fees/Inspection Fees/Registration Fees	\$ 0.00
Subtotal	\$ 320,611.47

Plaintiff is obligated to pay its attorneys a reasonable fee for their services herein. Florida Statute Section 702.10 provides a presumptively reasonable attorney fee of 3.0% of the amount due on the mortgage sued upon.

Attorneys' fees	
Finding as to a reasonable flat fee:	\$ 5,366.00

Additionally, 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.

Attorneys' fees Total:	\$ 5,366.00
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Other Costs:	
Title Search Fee	\$ 99.00
Heirs Search/Death Certificate Search	\$ 189.45
Notice of Sale Fees	\$ 0.00
Publication Fee (estimated Notice of Action/Notice of Sale)	\$ 170.00
Recording Fee	\$ 0.00
Postage/FedEx	\$ 0.00
Filing Fee	\$ 2,074.14
Service of Process	\$ 595.65
Subtotal	\$ 3,128.24

TOTAL \$ 329,105.71

that shall bear interest at the rate of 6.83% a year.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in Citrus County, Florida:

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LOTS 10 AND 11, BLOCK 41, CYPRESS VILLAGE, SUGARMILL WOODS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGES 86-150, PLAT BOOK 10, PAGES 1 - 150, PLAT BOOK 11, PAGES 1 - 16, AND PLAT BOOK 9, PAGES 87-A, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

Property address: 15 DRYPETES CT. W., HOMOSASSA, FL 34446.

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 the Court shall sell the property at public sale on APR 02 2020, 2020, to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes, using the following method:

Online at www.citrus.realforeclose.com at 10:00 A.M. EST

4. Plaintiff shall advance all subsequent costs of this action **and post judgment advances** and shall be reimbursed for **such costs and post judgment advances** 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, costs **and any post judgment advances made by the plaintiff** 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 the plaintiff's costs **and post judgment advances**; 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 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 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, 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.

7. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, orders and judgments on supplemental complaints to re-foreclose to add omitted parties or remedy any other defects in the foreclosure proceedings, orders determining the amount of assessments or other charges owed to any condominium or homeowners association, writs of possession, and deficiency judgments as to any defendants who have not been discharged in bankruptcy.

"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

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ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED.

PLEASE CHECK WITH THE CLERK OF THE COURT AT 352-941-6424 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 COMMUNITY LEGAL SERVICES OF MID-FLORIDA, 106 N. OSCEOLA AVENUE, INVERNESS, FL 34450, TELEPHONE NUMBER, 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 THE FLORIDA BAR ASSOCIATION REFERRAL SERVICE AT 850-342-8011 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

THE PROPERTY OWNER IS THE OWNER OF RECORD WHO APPEARS TO BE THE OWNER(S) OF THE FORECLOSED PROPERTY ON THE DATE OF THE FILING OF THE LIS PENDENS. TO MAKE A CLAIM TO THE SURPLUS, AN OWNER OF RECORD MAY USE THE FORM PROVIDED AT SECTION 45.032(3)(A), FLORIDA STATUTES. ONE YEAR AFTER THE SALE, ANY SURPLUS REMAINING WITH THE CLERK OF THE COURT MUST BE REMITTED TO THE DEPARTMENT OF FINANCIAL SERVICES, AS PROVIDED IN SECTION 45.032(3)(C), FLORIDA STATUTES. AFTER THE SURPLUS HAS BEEN REMITTED TO THE DEPARTMENT OF FINANCIAL SERVICES, THE OWNER OF RECORD, OR THE BENEFICIARY OF A DECEASED OWNER OF RECORD, MUST MAKE A CLAIM WITH THE DEPARTMENT FOR THE SURPLUS PURSUANT TO SECTION 717.124, FLORIDA STATUTES."

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE ADA COORDINATOR AT THE OFFICE OF TRIAL COURT ADMINISTRATOR, CITRUS COUNTY COURTHOUSE, 110 N. APOPKA AVENUE, INVERNESS, FL 34450, (352) 641-6700, AT LEAST SEVEN (7) DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED

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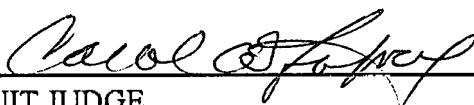
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APPEARANCE IS LESS THAN SEVEN DAYS; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

8. PURSUANT TO THE LOAN DOCUMENTS, NO DEFICIENCY SHALL BE SOUGHT OR OBTAINED.

9. Assignment. The Plaintiff may assign and credit bid by the filing of an assignment prior to the issuance of the certificate of title without further order of the court.

DONE AND ORDERED in Chambers, Citrus County, Florida, this 13th day of Feb, 2020.


CIRCUIT JUDGE

Copies furnished to all parties listed on the attached Service List.

SERVICE LIST

KRISTIN MICHELLE BIERLY-BELL
3113 W. VINA DEL MAR BLVD
ST. PETERSBURG BEACH, FL 33706

SCOTT MARSHALL BIERLY
265 46TH ST., APT. 2104
PITTSBURGH, PA 15201

CYPRESS VILLAGE PROPERTY OWNERS ASSOCIATION, INC.
C/O QUALIFIED PROPERTY MANAGEMENT, INC.
5901 US HWY 19, SUITE 7Q
NEW PORT RICHEY, FL 34652

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
C/O U.S. ATTORNEYS OFFICE
400 N. TAMPA STREET, SUITE 3200
TAMPA, FL 33602

Furnished by U.S. or

Electronic Mail

Pursuant to SC10-2101 this

19 day of Feb 2020
By B. M. Lopez D.C.