

Filing # 202337101 E-Filed 07/11/2024 02:01:39 PM

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

VILLAGE CAPITAL & INVESTMENT LLC, Plaintiff, v. ELIECER VALLE FERNANDEZ; UNKNOWN SPOUSE OF ELIECER VALLE FERNANDEZ; UNKNOWN PARTY IN POSSESSION 1; UNKNOWN PARTY IN POSSESSION 2, Defendants.	CASE NO.: 2024-CA-000018
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IN REM FINAL JUDGMENT OF FORECLOSURE

THIS ACTION came before the Court on an Order to Show Cause. The Court having reviewed and considered the Motion to Show Cause for Entry of Final Judgment of Foreclosure, the Order to Show Cause entered thereon, the Pleadings, all other documents pertinent to this action, and the arguments presented, **IT IS ADJUDGED** that an In Rem Final Judgment of Foreclosure is **ENTERED** against all Defendants listed by name: Eliecer Valle Fernandez and Unknown Spouse of Eliecer Valle Fernandez.

1. **Amounts Due.** Plaintiff, Village Capital & Investment LLC c/o Village Capital & Investment, 2550 Paseo Verde Parkway, Ste 100, Henderson, NV 89074 is due:

PRINCIPAL	\$344,769.10
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INTEREST FROM (06/01/2023 TO 07/11/2024 @ 7%) Per Diem (\$66.28)	\$26,673.79
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SUBTOTAL	\$371,442.89
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RECOVERABLE BALANCE	\$1,911.96
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Late Fee	\$1,011.78
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NSF Charges	\$20.00
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Property Inspections	\$220.00
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Property Preservation	\$353.50
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Pro Rata MIP/PMI	\$306.68
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COUNTY TAXES (2023 = \$4,618.26)	\$4,618.26
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HAZARD INSURANCE PREMIUMS (2024 = \$1,751.00)	\$1,751.00
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MORTGAGE INSURANCE PREMIUMS (2024 = \$926.56)	\$926.56
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Escrow Credits	(\$2,094.08)
Attorneys' Costs	\$3,525.43
Attorneys' Fees Total	\$5,070.00
TOTAL	\$387,152.02

Which shall bear interest at the prevailing statutory rate of interest.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants, Eliecer Valle Fernandez; and Unknown Spouse of Eliecer Valle Fernandez, on the following described property in Citrus County, Florida:

Tract 10, FLORAL ACRES, an unrecorded Subdivision, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 11, Township 21 South, Range 20 East, Citrus County, Florida, said point also being the Point of Beginning, go thence South 89 deg. 07' 04" East and along the North line of the aforesaid Southwest 1/4 a distance of 267.06 feet; thence South 00 deg. 49' 08" West a distance of 333.09 feet; thence North 89 deg. 07' 41" West a distance of 267.06 feet, thence North 00 deg. 49' 13" East a distance of 333.14 feet to the Point of Beginning, less the Southerly 25 feet of the Easterly 25 feet for road right of way.

Together with a non-exclusive easement for ingress and egress described as follows:

A strip of land fifty (50) feet wide, lying 25 feet on each side of the following described center line: Commence at the Southeast corner of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 11, Township 21 South, Range 20 East, thence North 89 deg. 08' 29" West along the South line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 a distance of 41.83 feet to a point on the West right-of-way line of State Road No. 39, thence North 1 deg. 45' 54" East along said West right-of-way line a distance of 332.69 feet to the Point of Beginning, thence North 89 deg. 07' 41" West 2367.37 feet, thence South 0 deg. 49' 08" West 433.10 feet to the end of this centerline description.

AND a strip of land, 50 feet wide lying 25 feet on each side of the following described centerline:

Commence at the Southeast corner of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 11, Township 21 South, Range 20 East, thence North 89 deg. 08' 29" West along the South line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 a distance of 41.83 feet to a point on the West right-of-way line of State Road No. 39, thence North 1 deg. 45' 54" East along said West right-of-way a distance of 332.69 feet, thence North 89 deg. 07' 41" West 1566.16 feet to the Point of Beginning, thence South 0 deg. 48' 52" West 1997.90 feet, thence North 89 deg. 11' 54" West 1068.48 feet to a point on the West line of said Section 11, said

point also being on the East line of Section 10, Township 21 South, Range 20 East, thence North 89 deg. 08' 47" West 1057.63 feet, thence North 0 deg. 47' 16" East 668.68 feet, thence South 89 deg. 01' 46" East 1057.96 feet to a point on the East line of said Section 10, said point also being on the West line of said Section 11, thence South 89 deg. 10' 10" East 1068.40 feet to the end of this centerline description.

AND a strip of land 50 feet wide lying 25 feet on each side of the following described centerline:

Commence at the Southeast corner of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 11, Township 21 South, Range 20 East, thence North 89 deg. 08' 29" West along the South line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 a distance of 41.83 feet to a point on the West right-of-way line of State Road No. 39, thence North 1 deg. 45' 54" East along said West right-of-way line a distance of 332.69 feet, thence North 89 deg. 07' 41" West 1566.16 feet, thence South 0 deg. 48' 52" West 1331.92 feet, thence North 89 deg. 10' 10" West 801.30 feet, to the Point of Beginning, thence North 0 deg. 49' 08" East 433.19 feet to the end of this centerline description.

Property Address: 8949 E. Floral Acres CT, Floral City, FL 34436

3. **Sale of Property.** 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 **August 22, 2024**, to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes (2013), using the following method:

(CHECK ONE):

☐ _____, beginning at _____ on the prescribed date.

☒ By Electronic sale beginning at 10:00 a.m. ET on the prescribed date at via the online auction site at www.citrus.realforeclose.com (website).

4. **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 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. **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 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. **Right of Redemption/Right of Possession.** 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 and

Defendant's right of redemption as prescribed by section 45.0315, Florida Statutes (2013), shall be terminated, 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. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, the amount of unpaid assessments under Chapter 718 and/or 720, Florida Statutes, if any, writs of possession; deficiency judgments; re-foreclosure of omitted parties; reforming errors in the legal description or address; orders authorizing Plaintiff to recover any additional pre- and/or post-judgment advances required to protect its mortgage lien and complete the foreclosure sale contemplated by this judgment, including, but not limited to, advances for property taxes, insurance, property preservation costs, and attorneys' fees and costs; and such other, further issues as are just and necessary.
8. **Attorneys' Fees.** Because the fees requested do not exceed 3% of the principal amount owed at the time complaint was filed, it is not necessary for the Court to hold a hearing or adjudge the requested attorneys' fees to be reasonable.

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.

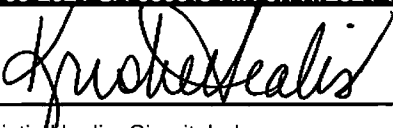
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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 CONTACT THE CLERK OF THE COURT FOR CITRUS COUNTY, FLORIDA 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, 106 N. OSCEOLA AVENUE, INVERNESS, FL 34450 PHONE: 352-726-0177, 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, 106 N. OSCEOLA AVENUE, INVERNESS, FL 34450 PHONE: 352-726-0177, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE and ORDERED this Thursday, July 11, 2024 in Inverness, Citrus County, Florida.

09-2024-CA-000018-AIN 07/11/2024 12:17:11 PM

Kristie Healis, Circuit Judge
09-2024-CA-000018-AIN 07/11/2024 12:17:11 PM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-service on Thursday, July 11, 2024 to:

KATHRYN I KASPER

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Natalia Cruz

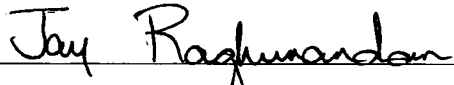
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09-2024-CA-000018-AIN 07/11/2024 02:00:54 PM

Jay Raghunandan, Judicial Assistant 09-2024-CA-000018-AIN 07/11/2024 02:00:54 PM

The party who submitted this proposed order to the Court for approval is required to serve a copy of the signed order via U.S. mail upon any person(s) not registered to receive service via the e-portal and certify said service through a filed notice of service within five (5) days of the entry of order.