

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA
CIVIL ACTION

WELLS FARGO BANK, N.A.

Plaintiff,

Case No. 2012-CA-006155

v.

CAROL J. MELENDEZ, et al.,

Defendants,

NOTICE OF FILING

Plaintiff, Wells Fargo Bank, N.A., hereby gives Notice of Filing the attached Uniform Final Judgment of Foreclosure entered November 7, 2017, attached as **Exhibit 1**.

Dated: November 3, 2017

Respectfully submitted,

/s/ Christopher W. Smart _____

Christopher W. Smart

Florida Bar No. 572829

Carlton Fields Jordan Burt, P.A.

P. O. Box 3239

Tampa, FL 33601

Telephone: (813) 223-7000

Fax: (813) 229-4133

Primary E-mail: csmart@carltonfields.com

Secondary E-Mail: bbehan@carltonfields.com

tpaecf@cfdom.net

Attorneys for Wells Fargo Bank, N.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2017, I electronically filed the foregoing with the Clerk of Court by using the Florida Courts E-Filing Portal, which will send an electronic notice to all counsel of record.

I HEREBY CERTIFY that on this 13th day of November, 2017, a copy of the foregoing was served by U.S. mail to the following:

Carol J. Melendez
614 Bobcat Lane
Kissimmee, FL 34759

Rene Melendez
614 Bobcat Lane
Kissimmee, FL 34759

/s/ Christopher W. Smart

Attorney

EXHIBIT 1

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA
CIVIL DIVISION

FILED - CIVIL LAW
2017 NOV - 7 PM 4: 49
STACY M. BUTTERFIELD
CLERK OF CIRCUIT COURT
POLK COUNTY, FLORIDA

WELLS FARGO BANK, N.A.

Plaintiff,

vs.

Case No. 2012-CA-006155

CAROL J. MELENDEZ, et al.,

Defendant(s).

UNIFORM FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was tried before the Court on November 6, 2017. The Court, based on the evidence at trial and arguments of counsel, hereby

ORDERS, ADJUDGES, DECREES that Plaintiff, Wells Fargo Bank, N.A., is entitled to final judgment of foreclosure against all Defendants as follows:

1. **Amounts Due.** Plaintiff, Wells Fargo Bank, N.A. whose address is 3476 Stateview Blvd., Ft. Mill, SC 29715, is due

Principal	\$145,522.98
Interest to date of this Judgment	\$38,990.98
03/01/08 to 01/19/17 @ 7.00% ¹⁰⁰	
Pre-acceleration Late Charges	\$13.38
Hazard Insurance Disbursements	\$25,647.75
Title search expenses	\$0.00
Taxes	\$11,025.17
Attorneys' fees total	\$0.00
Court costs, now taxed	\$0.00
Property Inspections/Preservation	\$175.00
Other:	
Subtotal	\$221,315.76
LESS: Escrow balance	\$0.00

	LESS: Other – Credit to Borrower	\$60.00
TOTAL		\$221,255.76

Per diem interest in the amount of \$11.61 will accrue on the principal from October 27, 2017 and thereafter pursuant to Florida Statute.

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

LOT 7, BLOCK 71, POINCIANA, NEIGHBORHOOD 3, VILLAGE 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 52, PAGES 19 THROUGH 31, INCLUSIVE, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

a/k/a 614 Bobcat Lane, Kissimmee, Florida 34759

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 January 9, 2018, to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 255 N Broadway Ave., in Polk County in Bartow, Florida, in accordance with section 45.031, Florida Statutes (2017), using the following method:

By electronic sale beginning at 10:00 (a.m./p.m.) on the prescribed date at www.polk.realforeclose.com

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 total sum with interest and costs accruing subsequent to this judgment, or such part of it as is necessary to the bid in full.

5. **Additional Expenses.** If Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 6 herein, Plaintiff may, by written motion served on all parties, seek to amend this final judgment to include said additional expenses.

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 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 further order of this court.

7. **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 (2017) 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.

~~8. **Attorneys' Fees.** The requested attorneys' fees are 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.~~ KS

8. ^{KS} **Jurisdiction Retained.** 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 THE 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.

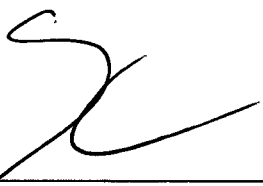
IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CONTACT THE CLERK OF THE COURT, 255 NORTH BROADWAY, BARTOW, FLORIDA 33830, (863) 534-4000 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 BAY AREA LEGAL SERVICE, INC., 701 TILLMAN PL, PLANT CITY, FL 33566, (813) 752-1335 / FLORIDA RURAL LEGAL SERVICES, 1321 E MEMORIAL BLVD #101, LAKELAND, FL 33801, (863) 688-7376 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 BAY AREA LEGAL SERVICE, INC., 701 TILLMAN PL, PLANT CITY, FL 33566, (813) 752-1335 / FLORIDA RURAL LEGAL SERVICES, 1321 E MEMORIAL BLVD #101, LAKELAND, FL 33801, (863) 688-7376 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

¹⁴¹
9 ~~10~~ **Assignment.** *The Plaintiff may assign this judgment and credit bid by the filing of an assignment prior to the issuance of the certificate of title without further order of the Court.*

ORDERED at _____, Florida, on _____ of **NOV 07 2017**.



KEITH P. SPOTO, Circuit Judge

Copies furnished to parties:

Christopher W. Smart, Esquire
Carlton Fields Jordan Burt, P.A.
P.O. Box 3239
Tampa, FL 33601
Co-Counsel for Plaintiff

Mark Stopa
Stopa Law Firm
2202 N Westshore Blvd, Ste. 200
Tampa, FL 33607
Counsel for Defendant