



Filing # 201370768 E-Filed 06/26/2024 11:26:05 AM

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR OKEECHOBEE
COUNTY, FLORIDA

CASE NO. 2023000363CAAXMX

MIDFIRST BANK

Plaintiff,

v.

LAURIE K. EVERT; UNKNOWN
TENANT 1; UNKNOWN TENANT 2;
UNKNOWN SPOUSE OF LAURIE K.
EVERT; AQUA FINANCE INC.;
UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Defendants.

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on plaintiff's Motion for Summary Final Judgment on June 26, 2024, and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. Motion Granted for Final Judgment. There is no dispute of material facts and plaintiff's motion for summary judgment is granted.

2. Amounts Due. Plaintiff, MIDFIRST BANK, 999 NW Grand Blvd., Oklahoma City OK 73118, is due:

Principal	\$ 147,932.50
Pre-Judgment Interest good through 03/12/2024	\$ 5,926.54
Per Diem Interest at \$18.74 from 03/13/2024 through 06/26/2024	\$ 1,986.44
Title Search Expense	\$ 325.00
Tax Disbursements	\$ 3,793.23
Hazard Insurance Disbursements	\$ 1,890.77

Attorneys' Fees:

Other*: For the uncontested portion of the foreclosure action \$4,750.00
 (* 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' Fee Total:	\$ 4,750.00
Court Cost:	
Filing Fee	\$ 907.50
E File Convenience Fee	\$ 5.00
Service of Process	\$ 1,530.00
Skip Trace for SSN	\$ 25.00
Clerk - Issue Summons	\$ 60.00
LP Update & Examination	\$ 75.00
Other:	
Pre-acceleration Late Charges	\$ 203.52
Property Inspections	\$ 155.00
PMI / MIP Insurance	\$ 814.41
Acquisition Advances	\$ 141.25
Lawn Maintenance	\$ 1,742.10
Lock Change	\$ 100.00
TOTAL	\$ 172,363.26

3. Interest. The total amount in paragraph 2 must bear interest from this date forward at the prevailing statutory rate of interest.

4. Lien on Property. Plaintiff, holds a first mortgage lien for the total sum superior to all claims or estates of defendant(s), (with the exception of any assessments that are superior pursuant to Section 718.116, or 720.3085, Florida Statutes) on the following described property in OKEECHOBEE County, Florida:

LOT 2 BLOCK 3 LAKE MONTAZA ESTATES SECTION ONE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 15 THROUGH 19, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

Property address: **35539 NW 4TH DR, OKEECHOBEE, FL 34972-0132**

5. Sale of Property. If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court must sell the property at public sale on **August 14, 2024** to the highest bidder for cash, except as prescribed in Paragraph 6, by electronic sale at online at www.Okeechobee.realforeclose.com, beginning at **11:00 AM** in

accordance with Section 45.031, Florida Statutes. **The public sale must not be postponed or canceled without a court order. All orders postponing or canceling the sale must be filed with the clerk of court no later than 5:00 p.m. five (5) business days before the sale date. Counsel for plaintiff must be certain that all sale and clerk fees are paid and that the original proof of publication is filed no less than five (5) business days before the sale date. Failure to timely file the original proof of publication of the notice of sale and pay the sale and clerk fees will stop the sale. Additionally, the failure of plaintiff's counsel to pay the sale fee and properly and timely publish the notice of sale may result in sanctions against the plaintiff, plaintiff's counsel individually, and the law firm representing the plaintiff.** Any electronic sale by the clerk must be in accordance with the written administrative policy for electronic sales published by the clerk at the official website for the clerk and posted in the public areas of the clerk's offices.

6. Costs. Plaintiff must advance all subsequent costs of this action and must 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 must be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, plaintiff must file an affidavit within 5 business days and the clerk must credit plaintiff's bid with the total sum with post-judgment interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The clerk must receive the service charge imposed in Section 45.031, Florida Statutes.

7. Distribution of Proceeds. On filing the certificate of title, the clerk must 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 2 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

8. Right of Redemption. 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 must be foreclosed of all estate or claim in the property, and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes, must be terminated, except as to the rights of a bona fide tenant occupying residential premises under the federal Protection Tenants at Foreclosure Act, 12 U.S.C. Sec. 5220, note, or section 83.5615, Florida Statutes, and claims or rights under chapter 718 or chapter 720, Florida Statutes, if any.

9. Right of Possession. On the filing of the certificate of title, the person named on the certificate of title must be let into possession of the property subject to the rights of a bona fide tenant occupying residential premises under the Federal Protecting at Foreclosure Act, 12 U.S.C. Sec 5220, note, or section 83.5615, Florida Statutes. If any defendant or tenant remains in possession of the property, an Order Granting the Motion For Writ of Possession must be entered without further notice or hearing, subject to the purchaser's compliance with Section 83.5615, Florida Statutes.

10. 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.

11. Jurisdiction Retained. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, writs of possession and such supplemental relief or judgments as may be appropriate.

12. Jurisdiction Continued. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, orders authorizing supplemental proceedings to eliminate any interest omitted from this action, cure any title defects, determine amounts owed to associations, an award of attorney's fees, and to enter deficiency judgment if the borrower has not been discharged in bankruptcy.

13. Assignment. The Plaintiff may assign the 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.

14. The Defendant, THE UNITED STATES OF AMERICA, shall have a right of redemption to the subject property pursuant to 28 U.S.C. 2410(c). The United States shall not be bound by the sixty day time period imposed by section 45.032, Fla. Stat. upon motions for distribution of surplus proceeds.

15. If there are any objections to the sale filed or other matters that would delay disbursement of the sale proceeds past the eleventh day after the sale, Plaintiff may be entitled to interest at the rate prescribed in Paragraph 3 from this date to the actual date of issuance of the Certificate of Disbursements and Certificate of Title.

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 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 CHECK WITH THE CLERK OF THE COURT, OKEECHOBEE 312 NW 3RD STREET, OKEECHOBEE, FL 34972, TELEPHONE 863-763-2131 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 (OKEECHOBEE) FLORIDA RURAL LEGAL SERVICES, FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 34948, TELEPHONE (772) 466-4776 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 (OKEECHOBEE) FLORIDA RURAL LEGAL SERVICES, FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FL 34948, TELEPHONE (772) 466-4776 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

Ordered in Okeechobee County, Florida, on this June 26, 2024.


REBECCA WHITE, Circuit Judge

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL:

eXL Legal, PLLC
12425 28TH ST NORTH, STE. 200
ST. PETERSBURG, FL 33716-1826
EFILING@EXLLEGAL.COM

PLAINTIFF'S COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:

LAURIE K. EVERT
69 KLOSSING DR
PARIS, TN 38242

AQUA FINANCE INC.
C/O CORPORATION SERVICE COMPANY
1201 HAYS ST
TALLAHASSEE, FL 32301

UNITED STATES OF AMERICA DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
C/O U.S ATTORNEY
99 NE 4TH STREET
13TH FLOOR
MIAMI, FL 33132
USAFLS.2410@USDOJ.GOV

**MASTER CIVIL SERVICE LIST
CASE NO. 2023000363CAAXMX**

LAURIE K. EVERT
69 KLOSSING DR
PARIS, TN 38242

AQUA FINANCE INC.
C/O CORPORATION SERVICE COMPANY
1201 HAYS ST
TALLAHASSEE, FL 32301

UNITED STATES OF AMERICA DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT
C/O U.S ATTORNEY
99 NE 4TH STREET
13TH FLOOR
MIAMI, FL 33132
USAFLS.2410@USDOJ.GOV