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

LOANDEPOT.COM, LLC
Plaintiff(s),

CASE NO. **2024000029CA**

v.

MICHELLE L. ALLEN
Defendant(s).

SUMMARY FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on **November 26, 2024**, and on the evidence presented and being otherwise duly advised in the premises,

IT IS ORDERED AND ADJUDGED that:

1. **Final Judgment.** There is no dispute of material facts and plaintiff's motion for summary judgment is granted [or] Plaintiff is entitled to entry of final judgment [or] The parties have consented to entry of this final judgment.

2. **Amounts Due.** Plaintiff, **LOANDEPOT.COM, LLC C/O GHIDOTTIBERGER, LLP, 10800 BISCAYNE BLVD, SUITE 201, MIAMI, FL 33161**, is due:

Principal	\$186,442.96
Interest on the note and mortgage from 08/01/2023 to 05/01/2024	\$7,515.99
Per diem interest at 5.375% from 05/02/2024 to 11/26/2024 (\$27.36/per diem * 209 days)	\$5,718.24
Pro Rata MIP/PMI	\$258.46
Escrow Advance	\$1,135.78
Fees	\$31.50
Late Charges	\$42.45
Finding as to reasonable number of hours	14.40 hours
Finding as to reasonable hourly rate	\$330.00/hour
Attorneys' fees total	\$4,750.00
Attorneys Costs	\$1,579.01
Service of Process at \$ [amount]	
TOTAL	\$207,474.39

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 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:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 36 EAST, OKEECHOBEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A".

TOGETHER WITH A 1989 SPRI DOUBLEWIDE MOBILE HOME BEARING ID#: N84294A AND N84294B AND TITLE NO. 46725516 AND 46725520, TO WHICH TITLES HAVE BEEN RETIRED.

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 36 EAST, OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 11, PIONEER ESTATES, UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 57 AND 58, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA FOR THE POINT OF BEGINNING; THENCE BEAR N36°20'53"E ALONG THE COMMON BOUNDARY OF LOTS 10 AND 11 A DISTANCE OF 210.33 FEET; THENCE BEAR S53°39'07"E ALONG THE COMMON BOUNDARY OF LOTS 6 AND 11 A DISTANCE OF 103.56 FEET; THENCE BEAR S36°20'53"W A DISTANCE OF 210.33 FEET TO THE SOUTHERLY BOUNDARY OF LOT 11, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF SE 59TH DRIVE; THENCE BEAR N53°39'07"W ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 103.56 FEET TO THE POINT OF BEGINNING.

Property Address: 8613 SE 59TH DR, OKEECHOBEE, FL 34974

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 January 15, 2025**, to the highest bidder for cash, except as prescribed in paragraph 6, by electronic sale at Okeechobee beginning at **11:00 a.m.** <https://okeechobee.realforeclose.com> 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 further order of this court.

8. **Right of Redemption.** 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 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 court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the plaintiff that 14.40 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$330.00 is appropriate. Plaintiff's counsel represents that the attorney fee awarded does not exceed its contract fee with the plaintiff. The court finds that there are no reduction or enhancement factors for consideration by the court under *Florida Patients Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985). (If the court has found that there are reduction or enhancement factors to be applied, then such factors must be identified and explained herein).

[If the fees to be awarded are a flat fee] 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.


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 the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment must additionally contain the following statement in conspicuous type:]

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, 312 N.W. 3RD STREET. OKEECHOBEE, FLORIDA 34972, 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 FLORIDA RURAL LEGAL SERVICE – FORT PIERCE OFFICE, 510 SOUTH US HIGHWAY 1, SUITE 1, FORT PIERCE, FLORIDA 34948, (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 FLORIDA RURAL LEGAL SERVICE – FORT PIERCE OFFICE, (772) 466-4776, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED on November 26, 2024 at Okeechobee, Florida.


REBECCA I. WHITE, Circuit Judge

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

GHIDOTTI | BERGER LLP
ATTORNEYS FOR PLAINTIFF
10800 BISCAYNE BLVD., SUITE 201
MIAMI, FL 33161
TELEPHONE: (305) 501-2808
FACSIMILE: (954) 780-5578
FCPLEADINGS@GHIDOTTIBERGER.COM

COUNSEL FOR (moving party, e.g. Plaintiff, Defendant) SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE:

MICHELLE L. ALLEN
8613 SE 59TH DR
OKEECHOBEE, FL 34974

UNKNOWN SPOUSE OF MICHELLE L. ALLEN
8613 SE 59TH DR
OKEECHOBEE, FL 34974

UNKNOWN TENANT #1 NKA CRASHAI TAYLOR
8613 SE 59TH DR
OKEECHOBEE, FL 34974

UNKNOWN TENANT #2
8613 SE 59TH DR
OKEECHOBEE, FL 34974