

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** March 21, 2007

**Division:** Monroe County Housing Authority

**Bulk Item:** Yes  No

**Department:** SHIP PROGRAM

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**AGENDA ITEM WORDING:** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING THE WRITE OFF OF A \$13,750.00 SHIP SECOND MORTGAGE.

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**ITEM BACKGROUND:** The purpose of this Resolution is to write off a SHIP Second Mortgage in the amount of \$13,750 dated March 29, 1996. SHIP's position was not protected since there was not sufficient equity to allow for recovery.

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**PREVIOUS RELEVANT BOCC ACTION:** None.

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**CONTRACT/AGREEMENT CHANGES:**  
N/A

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**STAFF RECOMMENDATION:**  
Approval

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**TOTAL COST:** \$-0- **BUDGETED:** Yes  No

**COST TO COUNTY:** \$-0- **SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes  No  **AMOUNT PER:** Month  Year

**APPROVED BY:** County Atty.  OMB/Purchasing  Risk Management

**APPROVED BY:**   
J. Mandel Castillo, Sr., Executive Director  
Monroe County Housing Authority

**DOCUMENTATION:** Included  To Follow  Not Required

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ 2007

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA APPROVING THE WRITE-OFF OF A \$13,750.00 SHIP SECOND MORTGAGE.

**WHEREAS**, the Monroe County SHIP Program closed a SHIP Second Mortgage in the amount of \$13,750.00 on 3/29/96, secured by the property located at 804 Oakland Ave., Key Largo, Florida; and

**WHEREAS**, the First Mortgagee (Nationwide Mortgage Corporation), filed a foreclosure action in 1998; and

**WHEREAS**, the SHIP Mortgage position was not protected since there was not sufficient equity to allow for a recovery; and

**WHEREAS**, the First Mortgagee took title to the property on June 25, 1999.

**NOWHEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Monroe County, Florida that the County hereby:

*Authorizes the write-off of a SHIP Second Mortgage Loan in the amount of \$13,750.00 formerly secured by the property located at 804 Oakland Ave., Key Largo, Florida.*

**PASSED AND ADOPTED**, by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board on the 21<sup>st</sup> day of March, A.D., 2007.

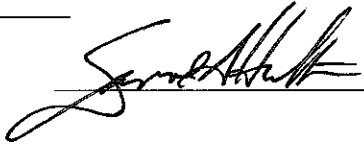
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By: \_\_\_\_\_  
Mayor Mario Di Gennaro

Mayor Di Gennaro \_\_\_\_\_  
Mayor Pro Tem Spehar \_\_\_\_\_  
Commissioner McCoy \_\_\_\_\_  
Commissioner Murphy \_\_\_\_\_  
Commissioner Nugent \_\_\_\_\_

SEAL:

ATTEST:

Approved as to legal sufficiency:  \_\_\_\_\_

Date: 2/25/07

IN THE CIRCUIT COURT OF THE 16TH JUDICIAL  
CIRCUIT, IN AND FOR MONROE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION  
CASE NO: 98-20681-CA-09

FIRST NATIONWIDE MORTGAGE  
CORPORATION  
PLAINTIFF

MONROE COUNTY  
OFFICIAL RECORDS

VS.  
DARRELL L. ROACH A/K/A DARREL L.  
ROACH IF LIVING, AND IF DEAD, THE  
UNKNOWN SPOUSE, HEIRS, DEVISEES,  
GRANTEES, ASSIGNEES, LIENORS,  
CREDITORS, TRUSTEES AND ALL OTHER  
PARTIES CLAIMING AN INTEREST BY,  
THROUGH, UNDER OR AGAINST DARRELL  
L. ROACH A/K/A DARREL L. ROACH;  
UNKNOWN SPOUSE OF DARRELL L.  
ROACH A/K/A DARREL L. ROACH, IF ANY;  
MONROE COUNTY, FLORIDA; ELIZABETH  
I. BOOMGAARD; JOHN DOE AND JANE  
DOE AS UNKNOWN TENANTS IN  
POSSESSION

FILE #1131257  
BK#1583 PG#1073

RCD Jun 25 1999 11:22AM  
DANNY L KOLHAGE, CLERK

DEFENDANT(S)

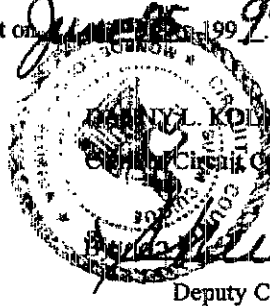
FILED FOR RECORD  
99 JUN 25 AM 11:21  
DANNY L. KOLHAGE  
CLK, CIR. CT.  
MONROE COUNTY, FLA

CERTIFICATE OF SALE

The undersigned Clerk of the Court, certifies that the Notice of Public Sale of the property described in the Order of Final Judgment was published in the THE KEY WEST CITIZEN, a Newspaper circulated in MONROE County, Florida, in the manner shown by the proof of publication attached, and on June 25, 1999, the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property was FIRST NATIONWIDE MORTGAGE CORPORATION to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the Order of Final Judgment.

WITNESS my hand and the seal of this Court on June 25, 1999

(SEAL)

  
DANNY L. KOLHAGE  
Clerk of Circuit Court  
Deputy Clerk

BY THE CLERK OF THE COURT  
NOTICE IS HEREBY GIVEN that the  
undersigned DANNY L. KOLHAGE,  
Clerk of the Circuit Court of Monroe  
County, Florida, will, on the 25th day  
of June, 1999 at 11:00 a.m. at the  
front steps of the Courthouse, Mon-  
roe County, in the City of Key West,  
Florida, offer for sale and sell at  
public outcry to the highest bidder for  
cash, the following described prop-  
erty situated in Monroe County, Flor-  
ida:

LOTS 16 AND 17, BLOCK 3 LAR-  
GO HILANDS, ACCORDING TO  
OTHER PLAT THEREOF AS RE-  
CORDED IN THE PLAT BOOK 4  
AT PAGE 89 OF THE PUBLIC RE-  
CORDS OF MONROE COUNTY,  
FLORIDA

pursuant to the FINAL JUDGMENT  
OF FORECLOSURE entered in a  
case pending in said Court, the title  
of which is:  
FIRST NATIONWIDE MORTGAGE  
CORPORATION  
vs  
DARRELL L. ROACH, ET AL.  
and the docket number of which is  
98-20681 CA-08.  
WITNESS my hand and official seal  
of said Court this 24th day of May,  
1999.

DANNY L. KOLHAGE,  
Clerk of the Circuit Court,  
Monroe County, Florida  
Trudy Havener  
Deputy Clerk  
June 10th & 17th, 1999



Key West Fl. 33040 Office 305-294-6641 Fax 305-294-0768

FILE # 1131257  
BK# 1583 PG# 1074

Published Daily  
Key West, Monroe County, Florida 33040

FLORIDA  
MONROE

signed authority personally appeared Randy G. Erickson, who on oath says that  
the Advertising Department of the Key West Citizen, a daily newspaper published  
in Monroe County Florida; that the attached copy of advertisement, being a legal

notice of  
use Sale - 1<sup>st</sup> Nationwide Mortgage Corp  
of Darrell L. Roach 98-20681 CA-08  
Court, was published in said newspaper in the issues of  
2 17th, 1999

that The Key West Citizen is a newspaper published in Key West, in said  
Florida, and that the said newspaper has heretofore been continuously published  
in Monroe County, Florida each day (except Saturdays) and has been entered as second-class  
mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year  
next preceding the first publication of the attached copy of advertisement; and affiant further says  
that he has neither paid nor promised any person, firm or corporation any discount, rebate,  
commission or refund for the purpose of securing this advertisement for publication in the said  
newspaper.

[Signature]  
Signature of Affiant

Sworn and subscribed before me this 24<sup>th</sup> day of June, 1999.

[Signature]  
Signature of Notary Public

MONROE COUNTY  
OFFICIAL RECORDS

Expires Oct. 11, 2002  
Personally Known \_\_\_\_\_ Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



IN THE CIRCUIT COURT OF THE 16TH JUDICIAL  
CIRCUIT, IN AND FOR MONROE COUNTY, FLORIDA  
GENERAL JURISDICTION DIVISION

CS | CASE NO. 98-2613-CA-09

FIRST NATIONWIDE MORTGAGE  
CORPORATION

PLAINTIFF

VS.

DARRELL L. ROACH A/K/A DARREL L.  
ROACH IF LIVING, AND IF DEAD, THE  
UNKNOWN SPOUSE, HEIRS, DEVISEES,  
GRANTEES, ASSIGNEES, LIENORS,  
CREDITORS, TRUSTEES AND ALL OTHER  
PARTIES CLAIMING AN INTEREST BY,  
THROUGH, UNDER OR AGAINST DARRELL  
L. ROACH A/K/A DARREL L. ROACH;  
UNKNOWN SPOUSE OF DARRELL L.  
ROACH A/K/A DARREL L. ROACH, IF ANY;  
MONROE COUNTY, FLORIDA; ELIZABETH  
I. BOOMGAARD; JOHN DOE AND JANE  
DOE AS UNKNOWN TENANTS IN  
POSSESSION,

DEFENDANT(S)

MONROE COUNTY  
OFFICIAL RECORDS

FILE #1126137  
BK#1578 PG#822

ECD May 26 1999 09:43AM  
DANNY L. KOLBACH, CLERK

This space is for recording purposes only

SUMMARY FINAL JUDGMENT IN FORECLOSURE

THIS CAUSE having come to be heard on Plaintiff's Motion for Summary Final Judgment and Taxation of Attorney Fees and Costs, and upon the Affidavits filed herein, and the Court being fully advised in the premises, it is hereby ORDERED:

1. Plaintiff's Motion for Summary Final Judgment is GRANTED.
2. There is due to the Plaintiff the following:

Principal due on the note secured by the Mortgage foreclosed herein:	\$108,485.54
Interest on said Note and Mortgage from JUNE 1, 1998 to FEBRUARY 1, 1999	\$6,147.52
Per diem interest at 25.61 from FEBRUARY 2, 1999 through APRIL 14, 1999	\$1,818.31
Late Charges	\$330.68
Property Inspections	\$76.00
Ad Valorem Taxes	\$1,387.79
Mortgage Insurance Premiums	\$135.33

COSTS:

Filing Fee	\$93.00
Service of Process	\$307.50

RECEIVED 5/26/99 AT PK  
VENT TO KEY WEST FOR RECORDING

22  
Dr

••0••

108,485.54 +  
6,147.52 +  
1,818.31 +  
330.68 +  
76.00 +  
1,387.79 +  
135.33 +  
118,381.17 ◊

93.00 +  
307.50 +  
325.00 +  
119,106.67 ◊

1,350.00 +  
120,456.67 \*

FILE #1126137  
BK#1578 PG#823

Abstracting

\$325.00

SUBTOTAL \$119,106.67

Attorney's fees based upon 9 hours at \$150.00 per hour in the amount of:

\$ 1,350.00

TOTAL \$ 120,456.67

FILE # 1 1 2 6 1 3 7  
BK # 1 5 7 8 PG # 2 4

3. A lien is held by Plaintiff whose address is 5280 CORPORATE DRIVE, FREDERICK, MD 20701 for the total of the Final Judgment sum specified in the preceding paragraph, plus interest thereon. The aforesaid lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the Defendant(s) and all persons, firms or corporations claiming by, through, or under said Defendant(s) or any of them and said property will be sold free and clear of all claims of said Defendants unless the United States of America is named herein as a defendant, said United States of America will be accorded its right of redemption pursuant to Title 28 U.S.C. Section 2410 (c). The lien encumbers the following described property in MONROE County, Florida, to-wit:  
LOTS 16 AND 17, BLOCK 3, LARGO HI-LANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4 AT PAGE 89 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA
4. If the total sum due to the Plaintiff as set forth in Paragraph 2, plus interest thereon at the statutory rate per year from and after this Judgment and all costs of this proceeding incurred subsequent to the date of this Judgment are not forthwith paid to Plaintiff, the Clerk of this Court shall sell the property described in Paragraph 3 in accordance with the terms of Paragraph 6 hereof.
5. Plaintiff shall advance the cost of publishing the Notice of Sale and the Clerk's fee for making the same and shall be reimbursed therefore by the Clerk out of the proceeds of the sale of the property described in Paragraph 3 if Plaintiff shall not become the purchaser of said property at the sale.
6. The Clerk of this Court shall sell the property described in Paragraph 3 at public sale at 11:00 a.m., on the 25 day of June, 1999, to the highest and best bidder or bidders for cash at AT KEY WEST COURTHOUSE located at 88820 OVERSEAS HIGHWAY, in PLANTATION KEY, Florida, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk shall not conduct the sale unless the Plaintiff or its representative is present to bid at the sale. Any purchaser other than the Plaintiff shall pay all service charges assessed by the Clerk of the Circuit Court pursuant to Florida Statute 28.24 together with proper documentary stamps to be affixed to the Certificate of Title.
7. Plaintiff may be the bidder for, and purchaser of, the property described in Paragraph 3. If Plaintiff shall be the purchaser of said property at the sale, the Clerk shall credit the bid of Plaintiff with the total sum found to be due to Plaintiff for such portion thereof as may be necessary to pay fully the bid of Plaintiff, except that the sum mentioned in Paragraph 5 of this Judgment must be paid in cash. If, subsequent to the date of Plaintiff's affidavit of indebtedness and prior to the sale contemplated in paragraph 6 hereof, Plaintiff shall be required to advance any monies to protect its mortgage lien, then Plaintiff or its attorneys shall so certify to the clerk of this court, and the amount found due to Plaintiff shall be increased by the amount of such advances without further order of the Court.
8. Upon the confirmation of the sale of the above property, whether by the clerk filing the Certificate of Sale herein or by order of the Court ruling upon objections to the sale, the Defendants, and any and all persons claiming by, through, and under them since the date of the filing of the Notice of Lis Pendens, are forever

FILED 11 26 1975  
PM 1 57 8 PG 25

barred and foreclosed of and from all right, title, interest, claim or demand of any kind or nature whatsoever in and to the property herein described.

9. Upon the filing of the Certificate of Title, the Clerk shall make distribution of the proceeds from the sale in the following order and in the amounts due under each of the following subparagraphs:
  - a. All costs and expenses of these proceedings subsequent to the entry of the Summary Final Judgment of Foreclosure, including the cost of publishing the Notice of Sale and the Clerk's fee for making the sale, unless Plaintiff, having already paid for these two items of cost, shall be the purchaser at the sale, the cost of the State documentary stamps affixed to the Certificate of Title based on the amount bid for the property, plus the costs, if paid by purchaser.
  - b. The total sum herein found to be due to Plaintiff in Paragraph 2, plus interest at the statutory rate per year after the date hereof.
  - c. The balance of the proceeds of the sale in excess of the amounts paid under Paragraphs 9(a) and 9(b) shall be retained by the Clerk of this Court pending further order of this Court.
10. Upon the filing of the Certificate of Title, the purchaser at the sale, his/her representatives or assigns shall be let into possession of the property forthwith.
11. The Court retains jurisdiction of this cause and the parties to enter further orders as are proper, including deficiency judgments.
12. If Plaintiff is the purchaser at the sale, Plaintiff, their heirs, representatives, successors or assigns, shall be placed in immediate possession of the aforescribed premises. In the event the Defendants fail to vacate said premises within 10 days of the date of the foreclosure sale as provided above, the Clerk of the Court is directed to issue a writ of possession to the Plaintiff forthwith and without the necessity of any further order from this Court for the premises located at 804 OAKWOOD AVENUE, KEY LARGO, FL 33037.
13. The court finds that the number of hours expended and the hourly rate charged by Plaintiff's counsel as set forth in Paragraph 2 are reasonable. The Court further finds that there are no reduction or enhancement factors for consideration by the court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985.)
14. The Mortgage Note and Mortgage, attached to Plaintiff's complaint are hereby re-established.

DONE and ORDERED in chambers at PLANTATION KEY, MONROE County, Florida,  
this 14 day of April 1999.

  
Frederick De Furia, Circuit Judge

98-31835 (FNW)  
Copies furnished to:  
LAW OFFICES OF DAVID J. STERN, P.A.  
801 S. UNIVERSITY DRIVE, STE 500  
PLANTATION, FL 33324

DARRELL L. ROACH A/K/A DARREL L. ROACH  
804 OAKWOOD AVENUE  
KEY LARGO, FL 33037

MONROE COUNTY, FLORIDA  
C/O BOARD OF COUNTY COMMISSIONERS  
500 WHITEHEAD STREET  
KEY WEST, FL 33040

FILE #1126137  
BK#1578 PG#826

JOHN A. JABRO, ESQ.  
ATTORNEY FOR ELIZABETH I. BOOMGAARD  
90311 OVERSEAS HIGHWAY, SUITE B  
TAVERNIER, FL 33070

JANE DOE N/K/A SHARON DIEBRICH  
804 OAKWOOD AVENUE  
KEY LARGO, FL 33037

MONROE COUNTY  
OFFICIAL RECORDS