

Filing # 225333670 E-Filed 06/16/2025 01:24:44 PM

**IN THE CIRCUIT COURT FOR THE  
TWENTIETH JUDICIAL CIRCUIT IN AND  
FOR CHARLOTTE COUNTY, FLORIDA  
CIRCUIT CIVIL DIVISION**

**WILMINGTON SAVINGS FUND SOCIETY,  
FSB, NOT IN ITS INDIVIDUAL CAPACITY,  
BUT SOLELY AS TRUSTEE OF NMLT 2021  
INV1 TRUST**

**Plaintiff(s),**

vs.

**CASE NO.: 2024CA001726**

**KCAP RE FUND II LLC**

**Defendant(s).**

**FINAL SUMMARY JUDGMENT OF FORECLOSURE. JUDGMENT ON PROMISSORY  
NOTE AND FOR OTHER RELIEF**

**THIS ACTION** came before the Court for hearing on **June 03, 2025** upon Plaintiff's Motion for Summary Judgment of Foreclosure. The Court having reviewed the instant Motion, supporting affidavits, the court file, having heard argument of counsel and being otherwise fully advised in the premises,

**IT IS ADJUDGED** that:

1. The Court has jurisdiction of the subject matter of the parties of this cause.
2. There are no genuine issues of material fact; therefore, Plaintiff's Motion for Summary

Judgment of Foreclosure is **GRANTED**.

3. Plaintiff, **Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Trustee of NMLT 2021 -INV1 Trust**, whose address is 75 Beattie Place, Greenville, SC 29601 is due:

Principal:		\$170,100.00
Accrued interest from 04/01/2024 to 02/16/2025		
At the per diem rate of \$26.56:		\$8,478.25
Interest to date of this judgment:		\$2,841.92
Default Interest:		\$9,073.92
Late Charges:		\$161.60
Property Inspections:		\$240.00
Securing:		\$100.00
Lawn Maintenance:		\$775.00
Winterization:		\$150.00
Property Preservation:		\$100.00
Certified Mail Cost:		\$22.72
Escrow Advance:		\$5,300.10
<b><u>Attorneys' Fees:</u></b>		
Foreclosure Flat Fee:		\$6,500.00
Preparation of Demand Letters:		\$1,400.00
<b><u>Court Costs, Now Taxed:</u></b>		
Title Search:	\$235.00	
Background Search:	\$4.00	
Filing fee	\$1,115.73	
Service of Process:	\$799.00	
Court Costs Total:		\$2,153.73
<b>GRAND TOTAL</b>		<b>\$207,397.24</b>

that shall bear interest at the legal rate, which was 9.15% per annum as of April 1, 2025.

4. Plaintiff holds a lien for the grand total sum superior to all claims or estates of the defendant(s), on the following described property in Charlotte County, Florida:

**LOT 9, BLOCK 2135, PORT CHARLOTTE SUBDIVISION, SECTION THIRTY SEVEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE(S) 41 -A THROUGH 41 -H, INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.**

Property address: 4423 Albacore Circle, Port Charlotte, FL 33948

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the subject property at public sale on September 3, 2025, to the highest bidder for cash, except as prescribed in paragraph 6, in accordance with Section 45.031, Florida Statutes, using the following method: at [www.charlotte.realforeclose.com](http://www.charlotte.realforeclose.com), beginning at 11:00 AM, on the prescribed date.
6. 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 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.
7. 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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court. If proceeds are to be distributed to Plaintiff or Plaintiff's Counsel, the

Clerk is authorized to issue a single check made payable to counsel for Plaintiff.

8. 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 shall be foreclosed of all estate or claim in the property, 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. Notwithstanding the foregoing, the rights of any condominium or homeowners' association to collect unpaid assessments from any subsequent title holder, including the first mortgage holder, shall be preserved and shall be governed as provided in Section 718.116 and 720.3085, Florida Statutes, subject to limitations as set-forth in *Coral Lakes Community Association, Inc. v. Busey Bank, N.A.*, 30 So. 3d 579 (Fla. 2d DCA 2010).
9. The court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff, that the Foreclosure flat fee of \$6,500.00 and \$1,400.00 for preparation of Demand Letters is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the Plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to *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 therein).
10. **If the Plaintiff is the purchaser at the sale the Plaintiff may assign its bid to a third-party assignee by recording and filing an Assignment of Bid and the Clerk of Court is hereby directed to issue a Certificate of Title to the assignee named therein.**

11. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments, re -foreclosure, or a supplemental complaint to add an omitted party post-judgment.

**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 the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall 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 FOR CHARLOTTE COUNTY, TELEPHONE: (941) 505-4716, 350 E. MARION AVENUE, PUNTA GORDA, FL 33950, 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 SERVICES, 3210 CLEVELAND AVENUE, P.O. BOX 2219, FORT MYERS, FL 33902, 239-334-4554, 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 SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE AND ORDERED**

06/16/2025 13:24:28

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Geoffrey H. Gentile, Circuit Court Judge 00strfKW 24001726CA  
06/16/2025 13:24:28

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