

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SEQUOIA FINANCIAL SOLUTIONS,
INC.,

Plaintiff,

v.

CASE NO.: 8:13-cv-404-T-33MAP

JUAN ROSALES and CACH LLC,

Defendants.

**ORDER CONFIRMING FORECLOSURE SALE
AND CERTIFICATE OF TITLE**

This cause comes before the Court pursuant to Plaintiff's Motion to Confirm Foreclosure Sale (Doc. # 16), which was filed on September 7, 2013. Upon due consideration, the Court finds that a hearing is not required, the Motion is granted, and the sale is confirmed.

Discussion

Plaintiff Sequoia Financial Solutions, Inc. filed its foreclosure Complaint against Juan Rosales and Cach LLC on February 12, 2013. (Doc. # 1).¹ In the Complaint, Plaintiff provided the legal description of the Property subject to foreclosure, and the address of the property is 37305 Safari Drive, Dade City, Florida 33523. Plaintiff is the assignee of a promissory note in the amount of \$105,000.00, for which the

¹ Plaintiff named Cach LLC as a Defendant because Defendant Cach LLC recorded a judgment against Rosales and the Property for \$5,287.09 on October 26, 2012. (Doc. # 1 at ¶ 15).

Property was secured as collateral per a mortgage executed by Defendant Rosales, recorded on April 3, 2007, at Pasco County O.R. Book 7448, Page 964, described as:

Lot 19, Block B, Elba Heights, according to the map or plat thereof, as recorded in Plat Book 6, Page 91, Public Records of Pasco County, Florida.
Address: 37305 Safari Drive, Dade City, Florida 33523

Both Defendants were served in this action; however, neither Defendant responded to the Complaint. The Clerk accordingly entered a Rule 55(a), Fed. R. Civ. P., Notice of Default against each Defendant on March 18, 2013. (Doc. # 9). Thereafter, on May 13, 2013, the Court entered its Default Judgment and Decree of Foreclosure and Order of Sale (Doc. # 14). Therein, the Court appointed the Law Firm of Lynn Cole, P.A. as Special Master. The Court authorized and directed the Special Master to offer and sell the Property at a public sale at the Pasco County Courthouse following the publication of certain advertisements in Pasco County, Florida.

Plaintiff has provided copies of relevant advertisements demonstrating that the Property was advertised for sale for four consecutive weeks prior to the sale. (Doc. # 16-1). The Special Master conducted the sale on September 6, 2013, at which Plaintiff purchased the Property for a credit bid of \$5,000.00, as shown by a precise copy of the Special Master's Report of Sale. (Doc. # 16-2).

As established by the United States Supreme Court, confirmation of the sale is required as "a bidder at a sale by a master, under a decree of court, is not considered a purchaser until the report of sale is confirmed." Ballentyne v. Smith, 205 U.S. 285, 288 (1907). As shown by the record, Plaintiff purchased the Property, entitling it to confirmation as the new owner. Plaintiff withdrew its *in-personam* claims for a deficiency, costs and attorney's fees and/or other monetary relief in Count I of the Complaint and withdrew Count III of the Complaint in its entirety.


Accordingly, pursuant to Fed. R. Civ. P. 70, the Court enters this Order confirming the foreclosure sale and conveying title to the Property to Plaintiff, which shall be filed and recorded in the local land registry office, with the same legal effect as a Certificate of Title under Florida law. The Decree of Foreclosure and Order of Sale otherwise remains in effect.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Plaintiff's Motion to Confirm Foreclosure Sale (Doc. # 16) is **GRANTED**.

DONE and **ORDERED** in Chambers in Tampa, Florida this 10th
day of September, 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies furnished to:
All Counsel and Parties of Record
United States Marshal