

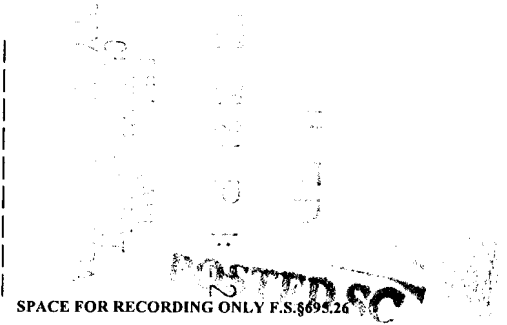
IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA
CIVIL ACTION

INDYMAC FEDERAL BANK FSB,
Plaintiff,

vs. CASE NO. 03-2008-CA-005288
DIVISION J

DOUGLAS PREBLE; THE UNKNOWN SPOUSE OF DOUGLAS
PREBLE;

Defendant(s).



FINAL SUMMARY JUDGMENT OF MORTGAGE FORECLOSURE

THIS CAUSE having come to be heard on December 21, 2009 on the MOTION FOR FINAL SUMMARY JUDGMENT OF MORTGAGE FORECLOSURE INCLUDING A HEARING TO TAX ATTORNEYS' FEES AND COSTS filed on behalf of INDYMAC FEDERAL BANK FSB, hereinafter referred to as Plaintiff, and the Court having reviewed the pleadings and affidavits filed by Plaintiff, having heard argument of counsel, and being otherwise fully advised in the premises:

ORDERS AND ADJUDGES as follows:

1. Service of process has been duly and regularly obtained over DOUGLAS PREBLE; THE UNKNOWN SPOUSE OF DOUGLAS PREBLE; hereinafter referred to as "Defendants."
2. The equities of this action are in favor of Plaintiff; Plaintiff is entitled to foreclose and enforce the Mortgage Note and Mortgage. Plaintiff is due:

FILE_NUMBER: F08105512

DOC_ID: M002400



UNPAID PRINCIPAL BALANCE	\$214,643.05
INTEREST ON THE NOTE AND MORTGAGE FROM 4/1/2008 TO 12/15/2009	30,708.58
PER DIEM INTEREST AT 8% FROM 12/15/2009 TO 12/21/2009	282.30
PRE-ACCELERATED LATE CHARGES THROUGH December 01, 2008	357.75
PROPERTY INSPECTIONS	165.00
TAXES	0.00
INSURANCE	0.00
ESCROW ADVANCE	4,262.22
BPO	200.00
PROPERTY PRESERVATION	293.00
TITLE SEARCH EXPENSES	175.00
TITLE EXAMINATION FEE	150.00
FILING FEE	345.00
INVESTIGATION/SERVICE OF PROCESS	410.00
RECORDING FEE	6.00
ATTORNEY'S FEE	1,300.00
TOTAL	\$253,297.90

3. The Court finds, based upon Florida Statutes §702.065(2) (2006), the affidavits filed herein, inquiry of counsel for Plaintiff, and upon consideration of the legal services rendered, the complexity of the foreclosure action, the amount of time and labor reasonably expended by lawyers in the community in prosecuting routine mortgage foreclosure actions, Florida Default Law Group, P.L.'s, flat fee agreement with its client and Florida law, that the flat fee sought by Florida Default Law Group, P.L., is reasonable and awards a flat fee of One thousand, Three hundred and 00/100 Dollars (\$1,300.00).

4. Plaintiff holds a lien for the total sums set forth in Paragraph 2 superior to any claims, interests or estates of Defendant(s) DOUGLAS PREBLE; THE UNKNOWN SPOUSE OF DOUGLAS PREBLE; and any person or entities claiming by, through, under or against these defendant(s), with the exception of any special assessments that are superior pursuant to Florida Statutes §159 (2006) and/or Florida Statutes §170.09 (2006), on the following-described property located and situated in BAY County, Florida:

**LOT 28 BLOCK F OF THE HAMMOCKS PHASE TWO, ACCORDING TO THE PLAT ON FILE
IN PLAT BOOK 18, PAGES 58 AND 59 OF THE PUBLIC RECORDS OF BAY COUNTY,
FLORIDA**

A/K/A 3405 JASMINE TRACE LANE, LYNN HAVEN, FL 32444

5. If the total sum set forth in Paragraph 2, with interest at the rate prescribed by law (**which is 8 percent per annum**) and all costs of this action accruing subsequent to this Judgment, is not paid prior to the scheduled public sale, the Clerk of this Court shall sell the property described in Paragraph 4 at a public sale on Jan 20, 2010, at 11:00AM, to the highest bidder for cash, except as hereinafter set forth, at NORTH FRONTDOOR, BAY COUNTY COURTHOUSE, PANAMA CITY, FLORIDA in BAY County, Florida in accordance with Florida Statutes §45.031 (2006), provided, however, that such sale shall not be held in the absence of Plaintiff's attorney or its representative. The Clerk shall set a sale date between 20 to 35 days from the date of this Judgment.

6. Plaintiff shall advance all subsequent costs of this action in addition to any advances made to preserve its collateral and shall be reimbursed, without further Order of the Court, by the Clerk if Plaintiff is not the purchaser of the property. If Plaintiff is the purchaser, the bid may be assigned without further Order of this Court and the Clerk credit the Plaintiff's bid with the total sum set forth in Paragraph 2 above, together with interest as prescribed by law and costs accruing subsequent to this judgment as is necessary to pay the bid in full.

7. On filing the Certificate of Title with respect to the property described in Paragraph 4, the Clerk shall 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 if Plaintiff is the successful bidder; third, Plaintiff's attorney's fees; fourth, the total sum due to Plaintiff, as set forth in Paragraph 2, less the items paid, plus interest at the rate prescribed by law from this date to the date of the sale to Plaintiff. The Clerk shall retain any amount remaining pending the further Order of this Court. Any amounts so retained are to be distributed to each Defendant, as determined by Order of this Court.

8. The successful bidder and purchaser at the foreclosure sale of the real property being foreclosed shall pay, in addition to the amount bid, any documentary stamps and Clerk's fee relating to the issuance of the Certificate of Title to be issued by the Clerk to the successful bidder and purchaser. At the time of the sale the successful high bidder shall post with the Clerk a deposit equal to five percent (5%) of the final bid. The deposit shall be applied to the sale price at the time of payment. If final payment is not made within the prescribed period, the Clerk

shall re-advertise the sale as provided in this section, and pay all costs of the sale from the deposit. Any remaining funds shall be applied toward the Judgment.

9. **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 this 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 sixty (60) days after the sale. If you fail to file a claim, you will not be entitled to any remaining funds.**

10. **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, BAY County, 300 East Fourth Street, Panama City, FL 32401, Phone: 850-1, within ten (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 Legal Services of North Florida, Inc. - Panama City Office (850)769-3581, 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 Legal Services of North Florida, Inc. - Panama City Office (850)769-3581, for assistance, you should do so as soon as possible after receipt of this notice.**

11. **On filing the Certificate of Sale Defendants' Right of Redemption as prescribed by Florida Statutes §45.0315 (2006), shall be terminated. On filing the Certificate of Title with respect to the property described in**


Paragraph 4 above, the Defendants named herein, and all persons claiming by, through, under or against them since the filing of Notice of Lis Pendens in this action, are foreclosed of all estate, interest or claim in the property described in Paragraph 4, and the purchaser or purchasers at the sale shall be let into possession of the property. The Clerk of the Circuit Court is Ordered to issue a Writ of Possession upon demand by the purchaser or purchasers.

12. Jurisdiction over this action is retained to enter such further Orders to give Plaintiff adequate and complete relief as may be necessary and proper, including the entry of a deficiency decree if Plaintiff is not limited to in rem stay relief in an active bankruptcy case and/or if borrower(s) has not been discharged in bankruptcy or constructively served, together with additional attorney's fees, if appropriate.

13. Any Homeowner Association assessments which are owed are subject to the Association's rights pursuant to Florida Statute 720.3085 (2008).

DONE AND ORDERED in Chambers, in BAY County, Florida, this 21 day of

Dec., 2009.


Circuit Judge

Copies furnished to:
Jonathan W. Mesker, Esquire
Florida Default Law Group, P.L.
P.O. Box 25018
Tampa, Florida 33622-5018

DOUGLAS PREBLE
21861 Camargo Street
Mission Viejo, CA 92691

THE UNKNOWN SPOUSE OF DOUGLAS PREBLE
21861 Camargo Street
Mission Viejo, CA 92691

F08105512, Case No. 03-2008-CA-005288, FIDINDYMAC-CONV--