

IN THE CIRCUIT COURT OF THE 14TH
JUDICIAL CIRCUIT, IN AND FOR
BAY COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 09005464CA

FOR CLERK'S USE ONLY

ONEWEST BANK, FSB, AS SUCCESSOR IN INTEREST
TO INDYMAC FEDERAL BANK, FSB, SUCCESSOR IN
INTEREST TO INDYMAC BANK, F.S.B

Plaintiff,

vs.

ROGER SIMINSKI; TONI SIMINSKI; RBC BANK (USA)
F/K/A RBC CENTURA BANK; MAJESTIC BEACH
RESORT COMMUNITY ASSOCIATION, INC.;
UNKNOWN PERSON(S) IN POSSESSION OF THE
SUBJECT PROPERTY;

Defendants.

FILED
2010 AUG 18 4:01
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

**DEFAULT FINAL JUDGMENT OF FORECLOSURE AS TO ROGER SIMINSKI, TONI
SIMINSKI, RBC BANK (USA) F/K/A RBC CENTURA BANK AND CONSENT FINAL
JUDGMENT OF FORECLOSURE AS TO MAJESTIC BEACH RESORT COMMUNITY
ASSOCIATION, INC. AND FOR ATTORNEY FEES**

THIS ACTION having come before the Court on Plaintiff's Motion for Default Final Judgment of Foreclosure and Conset Final Judgment and for Attorney Fees. On the evidence presented, IT IS ADJUDGED that:

1. There is due and owing to Plaintiff:

A. As unpaid principal of the indebtedness agreed to be paid in the mortgage herein foreclosed and the note secured thereby	\$468,001.59
B. Interest through August 27, 2010	41,932.57
C. Property Inspections	22.00
D. Pre-Acceleration Late Charges	305.48
E. Title Search	390.00
F. Clerk's filing fee	1,961.00
G. Service of process	705.00
SUBTOTAL \$	513,317.64
Attorney's fees \$	1,300.00
TOTAL \$	514,617.64

that shall bear interest at the statutory rate of six percent (6%). Plaintiff shall also recover such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of

Sale, and any advances made by the Plaintiff subsequent to the date specified in item C of this paragraph which are proper under the terms of the note and mortgage foreclosed herein.

2. The Court finds that service of process was properly effected on each of the Defendants. Plaintiff holds a lien for the total sum superior to any claim or estate of ROGER SIMINSKI; TONI SIMINSKI; RBC BANK (USA) F/K/A RBC CENTURA BANK; MAJESTIC BEACH RESORT COMMUNITY ASSOCIATION, INC.; UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY; on the following property in BAY County, Florida:

**CONDOMINIUM UNIT 804, MAJESTIC BEACH TOWER II, A CONDOMINIUM, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM, AS RECORDED IN OFFICIAL RECORDS BOOK 2743, PAGE 949, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, AS AMENDED, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO.
a/k/a 10811 FRONT BEACH ROAD #804, PANAMA CITY BEACH, FLORIDA 32407-**

3. If the total sum set forth in paragraph 1 with interest at the interest rate prescribed by law and all costs of this action and proper advances pursuant to paragraph 1 accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale on Sept. 20, 2010, at 11:00 ^{CST} _{to the} highest bidder for cash, except as set forth hereinafter, BY ELECTRONIC SALE AT: WWW.BAY.REALFORECLOSE.COM, in accordance with Section 45.031, Florida Statutes.

4. 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 at the sale. 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. If prior to the sale, Plaintiff shall be required to advance any monies pursuant to the provisions hereof, then Plaintiff or its attorneys shall so certify to the Clerk of this Court, and the amount due to Plaintiff as set forth in paragraphs 1 hereof shall be increased by the amount of such advances without further order of the Court. If Plaintiff is successful bidder at the sale, Plaintiff's rights as such may be assigned to a third party and, in that event, the Clerk of this Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee upon application of Plaintiff and without further Order of this Court.

5. 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 Plaintiff's costs; second, documentary stamps affixed to the certificate unless Plaintiff is not successful bidder in which event the successful bidder shall pay the cost of said documentary stamps in addition to the amount bid; third, Plaintiff's attorneys' fees; fourth, the total sum due to Plaintiff less the items paid plus interest at the rate set forth in paragraph 1 hereof from this date to the date of the sale. All sums to be disbursed to Plaintiff shall be made payable to Plaintiff's Attorney, Kahane & Associates, P.A. Trust Account and mailed to

8201 Peters Road, Suite 3000, Plantation, FL 33324; and by retaining any amount remaining pending the further order of this Court..

6. Upon issuance of the Certificate of Sale by the Clerk of the Court, the Defendants and all persons claiming under or against them since the filing of the notice of Lis Pendens are foreclosed of all estate or claim in the property.

7. The successful bidder, their heirs, representatives, successors or assigns, shall be placed in possession of the above described premises upon the issuance of the Certificate of Title the Clerk of Courts is hereby directed to issue a Writ of Possession for the premises located at 10811 FRONT BEACH ROAD #804, PANAMA CITY BEACH, FLORIDA 32407-.

8. The court finds that the number of hours expended and the hourly rate charged by Plaintiff's counsel as set forth in Paragraph 1 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).

9. Jurisdiction of this action is retained to enter further orders as are proper including, without limitation, deficiency judgments.

10. If Plaintiff is the Purchaser at the sale, Plaintiff's bid is hereby assigned OneWest Bank, FSB , and the Clerk of Court is hereby directed to issue a Certificate of Title to assignee named therein.

NOTICE PURUSANT TO AMENDMENT TO SECTION, 45.031, FLA. ST. (2006)

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 PURUSANT 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 SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. 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, 300 EAST FOURTH STREET, RM.105, PANAMA CITY, FLORIDA 32401 (TELEPHONE: 850 8737182), 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, PREFERABLEY 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, 221 EAST 23RD STREET, PANAMA CITY, FL 32405 PHONE: 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 THE BAY COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

The Court retains jurisdiction of this action to enter further orders that are proper including, without limitations, writs of possession and deficiency judgments.

DONE AND ORDERED in Chambers at Panama City, BAY, Florida, this 16th day of August, 2010.


CIRCUIT JUDGE

Copies furnished to the parties listed on the attached service list:

Default Final Judgment
Case No. 09005464CA

Kahane & Associates, P.A.
8201 Peters Road, Ste.3000
Plantation, FL 33324
Telephone: (954) 382-3486
Telefacsimile: (954) 382-5380

ROGER SIMINSKI
1981 BRIARCLIFF BOULEVARD
OWOSSO, MICHIGAN 48867-0000

TONI SIMINSKI
1981 BRIARCLIFF BOULEVARD
OWOSSO, MICHIGAN 48867-0000

UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY
10811 FRONT BEACH ROAD NO.804
PANAMA CITY BEACH, FLORIDA 32407

RBC BANK (USA) F/K/A RBC CENTURA BANK
c/o CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FLORIDA 32301

MAJESTIC BEACH RESORT COMMUNITY ASSOCIATION, INC.
c/o ELIZABETH J . WALTERS ESQ
415 RICHARD JACKSON BLVD STE 500
PANAMA CITY BEACH, FLORIDA 32407