

IN THE CIRCUIT COURT OF THE
14TH JUDICIAL CIRCUIT, IN AND FOR
BAY COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 03-2009-CA-005633

SUNTRUST BANK,
Plaintiff,

vs.

J BARRY TIDWELL; BOARDWALK BEACH RESORT
COMMUNITY ASSOCIATION, INC.; BOARDWALK
REALTY NEWNAM LLC; DAVID LAGUARDIA,
MANAGING MEMBER OF BOARDWALK REALTY
NEWNAM, LLC; UNKNOWN TENANT (S); IN
POSSESSION OF THE SUBJECT PROPERTY,
Defendants.

FILED
2010 NOV 22 A 10: 27
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

FINAL JUDGMENT OF MORTGAGE FORECLOSURE

THIS ACTION was heard before the Court. On the evidence presented, **IT IS ADJUDGED** that:

1. This is due and owing to Plaintiff from Defendant(s) obligated under the Note:

a. As unpaid principal of the indebtedness agreed to be paid in the mortgage herein Foreclosed and the note secured thereby	\$	<u>572,000.00</u>
b. Interest Through November 22, 2010	\$	<u>60,989.48</u>
c. Pre-Acceleration Late Charges	\$	<u>1,053.60</u>
d. Title Search & Examination	\$	<u>325.00</u>
e. Filing Fee	\$	<u>1,960.00</u>
f. Service of Process	\$	<u>1,850.80</u>
g. Brokers Price Opinion	\$	<u>130.00</u>
Subtotal	\$	<u>638,308.88</u>
Plaintiff Attorney's Fees:	\$	<u>1,200.00</u>
Total	\$	<u>639,508.88</u>

that shall bear interest at the legal rate as prescribed by law. Plaintiff may 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 of the Affidavit of Indebtedness which cost or advances are proper under the terms of the note and mortgage foreclosed herein.

2. Plaintiff holds a lien for the total sum superior to any claim or estate of all the Defendants herein on the following property in Bay County, Florida:

CONDOMINIUM UNIT C-1810, BOARDWALK CENTRAL, A CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 2599, PAGE 84, AS AMENDED FROM TIME TO TIME, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

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 the 29th day of December, 2010 at 11:00 A.M. Central Standard Time, to the highest bidder for cash, except as set forth hereinafter, at www.bay.realforeclose.com in accordance with Section 45.031, Florida Statutes.

3. 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 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, **BILL KINSAUL (850) 763-9061** 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. 221 EAST 23RD STREET, SUITE B 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 **LEGAL SERVICES OF NORTH FLORIDA, INC.** FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

4. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum plus 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 paragraph 1 hereof shall be increased by the amount of such advances without further order of the Court. If prior to sale, Defendant tenders payment pursuant to a bankruptcy plan or forbearance agreement, then Plaintiff or its Attorneys, shall so certify to the Clerk of this Court that the amount due to Plaintiff as set forth in Paragraph 1 hereof shall be credited by the amount of such tendered payments without further order of this 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 from this date to the date of the sale, said sum to be paid to the attorney of record for the Plaintiff; and by retaining any amount remaining pending the further order of this Court.

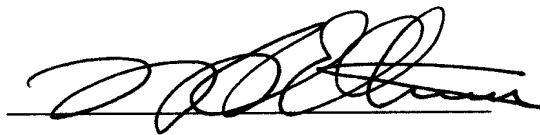
6. On the filing of the Certificate of Sale by the Clerk of the Court, the Defendants and all persons claiming under or against them since the filing of the Notice of Lis Pendens are foreclosed of all estate or claim in the property, except as to claims or rights under Chapter 718 or Chapter 720, Florida Statutes, if any; and the purchaser at the sale shall be let into possession of the property, subject to the provision of the "Protecting Tenants At Foreclosure Act of 2009". If the United States of America is a Defendant herein, it shall have the right of redemption provided by 28 U.S.C. 2410(c) for the period provided therein, running from the date of Certificate of Sale.

If Plaintiff is the purchaser at the sale, Plaintiff, their heirs, representatives, successors or assigns, shall be placed in immediate possession of the afore described premises. In the event the Defendants fail to vacate said premises within 10 days of the date of the foreclosure sale as provided above, Plaintiff or the successful bidder shall make application to the court for a Writ of Possession for subject premises, subject to the provision of the "Protecting Tenant At Foreclosure Act of 2009".

7. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 8 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$150.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court 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). Jurisdiction of this action is retained to enter further orders as are proper including, without limitation, deficiency judgments, except where a discharge is applicable or where service of process was not personally obtained.
8. Upon issuance of the Certificate of Title, Plaintiff or the purchaser at the Foreclosure Sale shall be liable for condominium association dues pursuant to Florida Statutes 718.116.

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida, this 22nd day of November

2010.



Circuit Judge

Copies sent to:
Law Office of Marshall C. Watson
1800 NW 49th Street, Suite 120
Fort Lauderdale, Florida 33309
Telephone: (954) 453-0365
Facsimile: (954) 771-6052
Toll Free: 1-800-441-2438

MAILING LIST

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J BARRY TIDWELL
1265 LEGACY DR
BIRMINGHAM, AL 35242

BOARDWALK BEACH RESORT COMMUNITY ASSOCIATION, INC.
C/O LIVINGSTON, ED MR R.A.
1002 W 23RD ST SUITE 400
PANAMA CITY, FL 32405

BOARDWALK REALTY NEWNAN LLC
C/O ANY DIRECTOR OR OFFICER AUTHORIZED TO ACCEPT SERVICE, R.A.
37 CALUMET PARKWAY, STE P
NEWNAN, GA 30263

DAVID LAGUARDIA, MANAGING MEMBER
1755 HWY 34
NEWNAN, GA 30265

UNKNOWN TENANT (S)
9450 S THOMAS DR UNIT C-1810
PANAMA CITY, FL 32408