

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

BAC HOME LOANS SERVICING, L.P.  
Plaintiff,

vs.

RICHARD J. MORRIS AND AMANDA L. MORRIS, BENEFICIAL  
FLORIDA INC., AND UNKNOWN TENANTS/OWNERS,  
Defendants.

Case No.

03-2010-CA-000229

Division

J

**FINAL JUDGMENT FOR PLAINTIFF**

THIS CAUSE having come before the Court on September 27, 2011, on Plaintiff's Motion for Summary Judgment of Foreclosure and Request for Award of Attorney's Fees, the Court having considered the pleadings and proofs filed herein, and having found that there is no genuine issue of any material fact and that the Plaintiff is entitled to such Judgment as a matter of law, it is hereby

ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion for Summary Judgment of Foreclosure and Request for Award of Attorney's Fees is hereby granted.
2. The Court has jurisdiction over the subject matter hereof and the parties hereto, and the equities herein are with the Plaintiff. All necessary parties have been served, and proof of such service is in the court file.
3. The following sums are due the Plaintiff on the note and mortgage foreclosed herein:

Principal	\$123,997.77
Accrued Interest from 09/01/2009 to 09/27/2011	\$16,702.95
Escrow deficiency - Taxes	\$948.27
Escrow deficiency - Insurance	\$6,960.09
<b>Subtotal - Amount due Plaintiff</b>	<b>\$148,609.08</b>
Filing Fee	\$945.00
Title Search	\$325.00
Title Update	\$75.00
Service	\$370.40
Recording	\$25.50
Mobile Home Title Work	\$85.00
Plaintiff's Attorney's fees (flat rate agreement)	\$1,200.00
<b>Subtotal - Fees and Costs</b>	<b>\$3,025.90</b>
<b>Total Due</b>	<b>\$151,634.98</b>

FILED

2011 SEP 27 A 11:33

BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

The total amount due as set forth above shall bear interest at the note rate, or the rate provided by §55.03(1), F.S., from date of this Judgment until paid. The court finds, pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985), that the number of hours expended by Plaintiff's counsel and the hourly rate charged are reasonable in light of the complexity of this cause, the result obtained, the degree of expertise necessary and the amount in controversy. The court finds, therefore, that the attorney's fees awarded to Kass, Shuler, Solomon, Spector, Foyle & Singer, P.A. are reasonable under Florida law.

4. Plaintiff holds a lien for the total sum specified in Paragraph 3, above, superior in dignity to any right, title, interest, or claims of any of the Defendants herein, upon the mortgaged property herein foreclosed, situated in Bay County, Florida, and described as follows:

LOT 14, OF WHITE WESTERN SPRINGS UNIT I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, AT PAGES 81 AND 82, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.  
TOGETHER WITH THAT CERTAIN VIN#: GAFL534A78145EX21 & GAFL534B78145EX21;  
Year/Make: 2005 FLEETWOOD RV, INC; Length: 48; Title: 92915523

and commonly described as: 13224 WHITE WESTERN SPRINGS RD, PANAMA CITY, FL 32409; including the building, appurtenances, and fixtures located therein.

5. If the aforesaid total sum due the Plaintiff, plus interest thereon at the rate prescribed by law and all costs of this proceeding incurred subsequent to the date of this Judgment are not paid, the Clerk of this Court shall sell all of the aforesaid property at public sale, at 11:00 A.M., on

November 1, 2011, to the highest bidder for cash, except as set forth below, on-line at [www.bay.realforeclose.com](http://www.bay.realforeclose.com), in accordance with Section 45.031, F.S. The sale shall not be cancelled without Court Order.

6. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if a party other than the Plaintiff is the purchaser of the property at sale. The successful bidder shall be required to pay any documentary stamps and court registry fees at the time of payment of the bid amount, except that if the Plaintiff shall be the purchaser at the sale, the Clerk shall credit the bid of Plaintiff with the total sum herein found to be due the Plaintiff, together with interest and costs accruing subsequent to this Judgment or such part thereof.

7. In the event that additional sums are expended by Plaintiff to protect its interest, including but not limited to real estate taxes, hazard insurance, property preservation, or other necessary costs, Plaintiff shall file an affidavit setting forth such expenditures and seek Court approval for any such expenditures.

8. After confirmation of the sale, whether upon issuance of the Certificate of Title or by Order of this Court ruling upon any objections to the sale, the Clerk shall make distribution of any proceeds of the sale, so far as they are sufficient, by paying: (a) First, all costs and expenses of these proceedings and subsequent to the entry of this Judgment, including the cost of publishing the Notice of Sale and the Clerk's fee for making the sale; (b) Second, the cost of Documentary stamps affixed to the Certificate of Title and registry fees, if applicable; (c) Third, Plaintiff's attorney's fees; and (d) Fourth, the total sum herein found to be due the Plaintiff, less the items paid, plus interest on the amount of this Judgment from this date to the date of the sale at the rate prescribed by law, retaining any surplus pending further order of this Court.

9. The purchaser of a condominium unit or of a home owner association property at the judicial sale scheduled herein shall be responsible for assessments and other charges in accordance with Florida Statutes §§718.116 and 720.3085, respectively.

10. Upon the Clerk filing the Certificate of Sale, the Defendants named herein, and any and all persons claiming by, through, under, or against any of the Defendants since the date of the filing of the Lis Pendens herein, are forever barred and foreclosed of and from any and all equity or right of redemption in and to the above described property. Upon issuance and filing of the Certificate of Title, the purchaser at the sale, its heirs, representatives, successors or assigns, shall be let into possession of said property without delay. The Clerk of the Court is hereby specifically authorized to issue a Writ of Possession for the premises located at 13224 WHITE WESTERN SPRINGS RD, PANAMA CITY, FL 32409, and the Sheriff is hereby authorized to serve the Writ of Possession forthwith after issuance of the Certificate of Title upon further order of the Court.

11. The Court reserves jurisdiction of the parties and of this cause for the purpose of hearing such motions as the Plaintiff may file for: (a) a deficiency judgment against those parties who may be personally liable; (b) the issuance of a writ of possession; (c) determining the claims in and to any cash surplus that may be produced at the foreclosure sale; (d) awarding supplementary attorneys' fees; and (e) granting such other relief as may be appropriate.

12. In the event that one or more mobile homes are affixed to the property, the issuance of the Certificate of Title by the Clerk after the foreclosure sale shall transfer title to said mobile homes to the purchaser at the sale. In addition, the Clerk of the Court is hereby directed to issue a Writ of Replevin in favor of said purchaser, directing the Sheriffs of the State of Florida to replevy the mobile homes.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that the fees charged to the Plaintiff by its attorneys are reasonable in light of the work performed, the complexity of the case, the expertise of the lawyers performing the work and the fees charged by other lawyers in the community handling similar cases. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED IT'S 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).

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, 850-747-5102, 300 E. 4TH STREET P.O. BOX 2269, PANAMA CITY, FL, 32402- 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-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-850-769-3581 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

14. The Mortgage is hereby reformed to include the following legal description to wit:  
LOT 14, OF WHITE WESTERN SPRINGS UNIT I, ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 18, AT PAGES 81 AND 82, OF THE PUBLIC RECORDS OF BAY  
COUNTY, FLORIDA..

DONE AND ORDERED in Chambers at the Bay County Courthouse, Panama City, Florida, this 27<sup>th</sup> day of

September 2011.

  
CIRCUIT JUDGE

Conformed Copy furnished to:

Edward B. Pritchard  
Kass Shuler, P.A.  
P.O. Box 800  
Tampa, FL 33601-0800  
Attorney for Plaintiff

RICHARD J. MORRIS  
214 E BALDWIN RD UNIT K  
PANAMA CITY, FL 32405

AMANDA L. MORRIS  
2121 HARRISON AVE APT E-4  
PANAMA CITY, FL 32405

BENEFICIAL FLORIDA INC.  
C/O CT CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

286750/1000857/jat