

IN THE CIRCUIT COURT IN AND FOR BAY COUNTY, FLORIDA

THE BANK OF BONIFAY,

Plaintiff,

vs.

CASE NO.: 10-1165-CA

THOMAS R. FINCH, FINCH INVESTMENTS, LLC, PARADISE GROVE OWNERS' ASSOCIATION, INC., ANGIE WIGGINS, DONNA DEVINNEY, UNKNOWN TENANT #1 and UNKNOWN TENANT #2,

Defendants.

FILED  
2012 MAR 26 P 3:34  
BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

**FINAL JUDGMENT OF FORECLOSURE UNDER COUNT I AND PARTIAL FINAL JUDGMENT OF LIABILITY UNDER COUNTS II AND III**

THIS CAUSE came before the Court for hearing on March 19, 2012, upon Plaintiff's Motion for Partial Final Judgment of Liability as to Counts II and III and Summary Final Judgment of Foreclosure under Count I of Plaintiff's Complaint. Having reviewed the instant Motion, the supporting affidavits and the Court file, having heard argument of counsel, and being otherwise fully advised in the premises, it is:

**ORDERED AND ADJUDGED that:**

1. The Court has jurisdiction of the subject matter and the parties of this cause.
2. There are no genuine issues of material fact.
3. Plaintiff's Motion for Summary Final Judgment of Foreclosure under Count I of Plaintiff's Complaint against all Defendants to this action is hereby GRANTED. Plaintiff's Motion for Partial Summary Final Judgment of liability against Defendant, Thomas R. Finch, under Count II of Plaintiff's Complaint is hereby GRANTED. Plaintiff's Motion for Partial Summary Final Judgment of liability against Defendant, Finch Investments, LLC, under Count III of Plaintiff's Complaint is hereby GRANTED.

4. Plaintiff, 2010-3 SFR Venture, LLC, 5032 Parkway Plaza Blvd., Charlotte, North Carolina, 28217 is due:

Principal	\$469,750.00
Interest to the date of this judgment	\$26,293.26
Late Charges	\$457.23
2009 Ad Valorem Taxes - Bay County R 37238-374-000 479 Paradise Boulevard	\$3,196.49
2009 Ad Valorem Taxes - Bay County R 37238-316-000 435 Paradise Boulevard	\$875.23
2010 Ad Valorem Taxes - Bay County R 37238-374-000 479 Paradise Boulevard	\$2,953.06
2010 Ad Valorem Taxes - Bay County R 37238-316-000 435 Paradise Boulevard	\$1,913.84
2011 Ad Valorem Taxes - Bay County R 37238-374-000 479 Paradise Boulevard	\$1,991.36
2011 Ad Valorem Taxes - Bay County R 37238-316-000 435 Paradise Boulevard	\$2,576.41
Force Placed Insurance	\$3,304.35
Property Inspection Fees	\$142.00
Appraisal Fees	\$99.15
Attorneys' Fees	\$13,553.00
<b>TOTAL</b>	<b>\$527,105.38</b>

that shall bear interest at the rate of four and three-quarters percent (4.75%) per year.

5. Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants on the following described real property in Bay County, Florida:

Lots 16 and 74, Paradise Grove, according to the plat thereof as recorded in Plat Book 21, Page(s) 29-32, of the public records of Bay County, Florida.

Together with any and all improvements and all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, crops, timber, all diversion payment or third party payments made to crop producers, and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property"). The term Property also includes, but is not limited to, any and all water wells, water, ditches, reservoirs, reservoir sites and dams located on the real estate and all riparian and water rights associated with the Property, however established.

6. If the total sum with interest at the rate described above and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale on May 1, 2012 at 11:00 a.m. Central Time at [www.bay.realforeclose.com](http://www.bay.realforeclose.com) to the highest bidder for cash, except as prescribed in paragraph 7, in accordance with §45.031, Florida Statutes.

7. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk of this Court if Plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If Plaintiff is the purchaser, the Clerk of this Court 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.

8. On filing the certificate of title, the Clerk of this Court 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 of title; third, the total sum due Plaintiff, less the items paid, plus interest at the rate of four and three-quarters percent (4.75%) from this date to the date of sale; and by retaining any remaining amount pending further order of this Court.

9. On filing the certificate of sale, Defendants and all persons claiming under or against Defendants since the filing of the Notice of Lis Pendens shall be 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.

10. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

11. Jurisdiction of this action is retained to enter further orders as are proper, without limitation, a deficiency judgment against Defendants, Thomas R. Finch and Finch Investments, LLC.

**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 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 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

DONE AND ORDERED in Chambers at Bay County, Florida, this 26<sup>th</sup> day of March, 2012.

  
THOMAS R. ELLINOR  
Circuit Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a conformed copy of the foregoing Judgment has been sent to the following by first-class U.S. mail on this 26 day of March, 2012:

J. Seth Galloway  
Clark, Partington, Hart, Larry, Bond &  
Stackhouse  
34990 Emerald Coast Parkway, Suite 301  
Destin, Florida 32541

Thomas R. Finch, Registered Agent  
Finch Investments, LLC  
126 South Shore Drive, #16  
Miramar Beach, Florida 32550

John S. Mead  
Michael Wm Mead, P.A.  
Post Office Box 1329  
Fort Walton Beach, Florida 32549

Thomas R. Finch  
126 South Shore Drive, #16  
P.O. Box 7773  
Miramar Beach, Florida 32550

David and Teri Noss  
479 Paradise Blvd.  
Panama City Beach, Florida 32413

Blake Tripp  
435 Paradise Blvd.  
Panama City Beach, Florida 32413

BILL KINSAUL  
CLERK OF COURT

*Jennifer Estrella*



By: \_\_\_\_\_  
Deputy Clerk