

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

BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING, LP,

Plaintiff,

vs. CASE NO. 03-2011-CA-001023
DIVISION J

BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FL

2012 JUN 18 P 12:19

FILED
[Signature]

SPACE FOR RECORDING ONLY F.S. §695.26

DANNY C. BROOKS; BRENDA G. BROOKS; GULF HIGHLANDS
BEACH RESORT HOMEOWNERS' ASSOCIATION, INC.

Defendant(s).

FINAL SUMMARY JUDGMENT OF MORTGAGE FORECLOSURE

IT IS ADJUDGED THAT:

1. Plaintiff BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS

SERVICING, LP 4875 Belfort Road , Jacksonville, FL 32256 is due:

UNPAID PRINCIPAL BALANCE	\$173,227.75
INTEREST ON THE NOTE AND MORTGAGE FROM 09/01/2010 TO 11/08/2011	12,068.44
PER DIEM INTEREST AT 5.875% FROM 11/08/2011 TO 06/18/2012	6,217.24
TITLE SEARCH EXPENSES	175.00
TITLE EXAMINATION FEE	75.00
INSURANCE	2,452.42

ATTORNEYS' FEES

*Other	1,400.00
(*The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)	
ATTORNEYS' FEES TOTAL	\$1,400.00
FILING FEE	965.00
INVESTIGATION/SERVICE OF PROCESS	360.00
2 Service of Process @ \$45.00	
1 Out of State Locate(s) @ \$120.00	
1 Service of Process @ \$40.00	
1 Out of State Locate @ \$110.00	
PRE-ACCELERATED LATE CHARGES THROUGH December 22, 2010	223.60
PROPERTY INSPECTIONS	120.00
MIP/PMI ADVANCES	1,096.93
TOTAL	\$198,381.38

That shall bear interest at the rate established by Florida Statute.

2. Plaintiff holds a lien for the total sum-superior to all claims, or estates of Defendant(s) on the following-described property in BAY County, Florida:

LOT 8, BLOCK B, OF GULF HIGHLANDS BEACH RESORT/PHASE I, AN UNRECORDED SUBDIVISION OF A PORTION OF FRACTIONAL SECTION 35, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 16 WEST AND THENCE RUN NORTH 00 DEGREE 00 MINUTES 35 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 35 FOR 470.86 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 25 SECONDS EAST FOR 112.00 FEET; THENCE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST ALONG THE CENTERLINE OF ROBIN LANE FOR 153.54 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 111.82 FEET AND A CENTRAL ANGLE OF 21 DEGREES 12 MINUTES 09 SECONDS FOR AN ARC LENGTH OF 41.38 FEET (CHORD BEARING SOUTH 10 DEGREES 35 MINUTES 30 SECONDS WEST FOR 41.14 FEET) TO THE CENTERLINE OF BONNIE LANE; THENCE NORTH 89 DEGREES 27 MINUTES 45 SECONDS EAST ALONG SAID CENTERLINE OF BONNIE LANE FOR 89.57 FEET; THENCE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST FOR 15.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID BONNIE LANE; THENCE CONTINUE

SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST FOR 309.47 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 35 SECONDS EAST FOR 142.54 FEET FOR THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE RUN NORTH 44 DEGREES 59 MINUTES 25 SECONDS EAST FOR 82.00 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF ABBI LANE; THENCE SOUTH 45 DEGREES 00 MINUTE 35 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR 18.00 FEET; THENCE SOUTH 44 DEGREES 59 MINUTES 25 SECONDS WEST FOR 82.00 FEET; THENCE NORTH 45 DEGREES 00 MINUTE 35 SECONDS WEST FOR 18.00 FEET TO THE POINT OF BEGINNING.

A/K/A 114 ABBIE LANE PANAMA CITY BEACH, FL 32407

3. If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this Judgment are not paid, the Clerk of this Court shall sell the property at a public sale on July 23rd, 2012, at 11:00AM CST, to the highest bidder for cash, except as prescribed in paragraph 4 WWW.BAY.REALFORECLOSE.COM

4. Plaintiff shall advance all subsequent costs of this and shall be reimbursed for them by the Clerk 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 bid may be assigned without further Order of this Court and the Clerk shall credit the 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.

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; third, Plaintiff's attorney's fees; fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any amount remaining pending the further Order of this Court.

6. On filing the Certificate of Sale, defendant(s) and all persons claiming under or against

defendant(s) 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. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, 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.

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 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, BAY County, 300 East Fourth Street, Panama City, FL 32401, Phone: 850-747-5157, 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.

COUNT II – REFORMATION - MORTGAGE

8. The equities of this action are in favor of Plaintiff and Plaintiff is entitled to reformation of the MORTGAGE.

9. Inadvertently, and contrary to the clear intentions of the parties to the MORTGAGE a scrivener's error resulted from mutual mistake. Consequently, the legal description contained the following underlined and highlighted error:

LOT 8, BLOCK B, OF GULF HIGHLANDS BEACH RESORT/PHASE I, AN UNRECORDED SUBDIVISION OF A PORTION OF FRACTIONAL SECTION 35, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 16 WEST AND THENCE RUN NORTH 00 DEGREE 00 MINUTES 35 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 35 FOR 470.86 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 25 SECONDS EAST FOR 112.00 FEET; THENCE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST ALONG THE CENTERLINE OF ROBIN LANE FOR 153.54 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 11.82 FEET AND A CENTRAL ANGLE OF 21 DEGREES 12 MINUTES 09 SECONDS FOR AN ARC LENGTH OF 41.38

FEET (CHORD BEARING SOUTH 10 DEGREES 35 MINUTES 30 SECONDS WEST FOR 41.14 FEET) TO THE CENTERLINE OF BONNIE LANE; THENCE NORTH 89 DEGREES 27 MINUTES 45 SECONDS EAST ALONG SAID CENTERLINE OF BONNIE LANE FOR 89.57 FEET; THENCE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST FOR 15.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID BONNIE LANE; THENCE CONTINUE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST FOR 309.47 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 35 SECONDS EAST FOR 142.54 FEET FOR THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE RUN NORTH 44 DEGREES 59 MINUTES 25 SECONDS EAST FOR 82.00 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF ABBI LANE; THENCE SOUTH 45 DEGREES 00 MINUTE 35 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR 18.00 FEET; THENCE SOUTH 44 DEGREES 59 MINUTES 25 SECONDS WEST FOR 82.00 FEET; THENCE NORTH 45 DEGREES 00 MINUTE 35 SECONDS WEST FOR 18.00 FEET TO THE POINT OF BEGINNING.

LINE 10-11.82 FEET-SHOULD BE 111.82 FEET

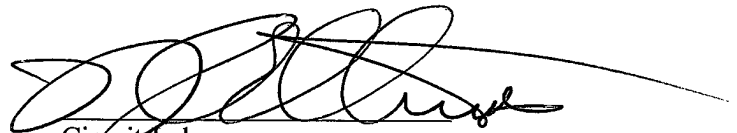
10. The legal description of the MORTGAGE that was recorded on December 13, 2004 in Official Records Book 2537, at Page 1727 of the Public Records of BAY County, Florida is hereby reformed, nunc pro tunc to the date of the initial recording of the MORTGAGE, to read as follows:

LOT 8, BLOCK B, OF GULF HIGHLANDS BEACH RESORT/PHASE I, AN UNRECORDED SUBDIVISION OF A PORTION OF FRACTIONAL SECTION 35, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 16 WEST AND THENCE RUN NORTH 00 DEGREE 00 MINUTES 35 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 35 FOR 470.86 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 25 SECONDS EAST FOR 112.00 FEET; THENCE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST ALONG THE CENTERLINE OF ROBIN LANE FOR 153.54 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 111.82 FEET AND A CENTRAL ANGLE OF 21 DEGREES 12 MINUTES 09 SECONDS FOR AN ARC LENGTH OF 41.38 FEET (CHORD BEARING SOUTH 10 DEGREES 35 MINUTES 30 SECONDS WEST FOR 41.14 FEET) TO THE CENTERLINE OF BONNIE LANE; THENCE NORTH 89 DEGREES 27 MINUTES 45 SECONDS EAST ALONG SAID CENTERLINE OF BONNIE LANE FOR 89.57 FEET; THENCE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST FOR 15.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID BONNIE LANE; THENCE CONTINUE SOUTH 00 DEGREE 00 MINUTE 35 SECONDS EAST FOR 309.47 FEET; THENCE SOUTH 45 DEGREES 00

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DONE AND ORDERED in Chambers, in BAY County, Florida, this 18th day of

June, 2012.


Circuit Judge
03-2011-CA-001023

Copies furnished to: Vernesha Mayweather, Esquire
Ronald R Wolfe & Associates, P.L.
P.O. Box 25018
Tampa, FL 33622-5018

Service List

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BRENDA G. BROOKS
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COVINGTON, GA 30014

GULF HIGHLANDS BEACH RESORT HOMEOWNERS' ASSOCIATION, INC.
c/o TIMOTHY J. SLOAN, Esq.
427 MCKENZIE AVENUE
PO BOX 2327
PANAMA CITY, FL 32402-2327