

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

SUNTRUST MORTGAGE, INC.
Plaintiff,

vs.

COREY E. ALLEN, HANNAH ALLEN, MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE
FOR SUNTRUST MORTGAGE, INC., SUNRISE BEACH OWNERS
ASSOCIATION, INC., AND UNKNOWN TENANTS/OWNERS,
Defendants.

Case No. 03-2012-CA-000177

Division E

FINAL JUDGMENT FOR PLAINTIFF

THIS CAUSE having come before the Court on October 8, 2012, 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	\$273,000.00
Accrued Interest from 3/1/2010 to 5/26/2012	\$41,951.09
Per Diem \$51.42 interest from 5/27/2012 to 10/8/2012	\$6,941.70
Pre-acceleration late charges	\$234.60
Escrow deficiency - Taxes	\$3,426.12
Escrow deficiency - Insurance	\$7,471.25
Less Refund	(\$7,471.25)
Property preservation and inspection	\$447.50
Insufficient Funds	\$30.00
Subtotal - Amount due Plaintiff	\$326,031.01
Filing Fee - Clerk of Courts	\$1,955.00
Title Search	\$325.00
Service of Process	\$740.85
Recording Fee	\$7.00
Plaintiff's Attorney's fees (flat rate agreement)	\$1,200.00
Subtotal - Fees and Costs	\$4,227.85
Total Due	\$330,258.86

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

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 CLERK OF COURTS
 BAY COUNTY
 BILL KINSAUL

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, 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:

UNIT 1103 OF SUNRISE BEACH, A CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF AS RECORDED IN OFFICIAL RECORDS BOOK 2576, PAGE 241, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA AND AS MAY BE AMENDED FROM TIME TO TIME. TOGETHER WITH ALL OF ITS APPURTENANCES ACCORDING TO THE DECLARATION OF CONDOMINIUM. SUBJECT, HOWEVER, TO ALL OF THE PROVISIONS OF THE DECLARATION OF CONDOMINIUM.
TOGETHER WITH LIMITED COMMON ELEMENT STORAGE SPACE NO S-033 WHICH IS AN APPURTENANCE TO THE ABOVE UNIT, SUBJECT TO THE TERMS, PROVISIONS AND CONDITIONS OF THE FOREGOING DECLARATION.

and commonly described as: 14825 FRONT BEACH RD UNIT 1103, PANAMA CITY BEACH, FL 32413; 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 13, 2012 @ 11:00 A.M. CST., to the highest bidder for cash, except as set forth below, on-line at 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. 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 only after a notice and hearing is heard for the premises located at 14825 FRONT BEACH RD UNIT 1103, PANAMA CITY BEACH, FL 32413, 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 .

10. 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.

11. 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).

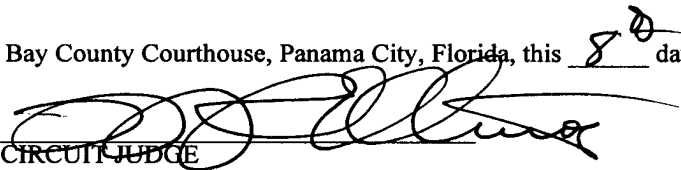
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

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.

12. 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.

DONE AND ORDERED in Chambers at the Bay County Courthouse, Panama City, Florida, this 8th day of October, 2012

CIRCUIT JUDGE

Conformed Copy furnished to:

Lindsay Moczynski
Kass Shuler, P.A.
P.O. Box 800
Tampa, FL 33601-0800

Attorney for Plaintiff

COREY E. ALLEN
4712 AUSTELL POWDER SPRINGS RD
AUSTELL, GA 30106

HANNAH ALLEN
106 NEBO RD
DALLAS, GA 30157

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR SUNTRUST MORTGAGE, INC.
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

JOHN COTTLE ESQ.
BECKER & POLIAKOFF
348 Miracle Strip Pkwy SW Ste 7
FORT WALTON BEACH, FL 32548
jcottle@becker-poliakoff.com

Attorney for Defendant SUNRISE BEACH OWNERS ASSOCIATION, INC.