

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

BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

2013 JAN - 8 A 10: 10

FILED

BOARDWALK BEACH RESORT COMMUNITY
ASSOCIATION, INC., a Florida not-for-profit corporation,

Plaintiff,

vs.

CASE NO: 12-943-CA

MARVIN E. BENNETT and wife, CHRISTY L. BENNETT, et al,

Defendants.

SUMMARY JUDGMENT OF FORECLOSURE AS TO COUNT I

THIS CAUSE having come before the Court on the Plaintiff's Motion for Summary Judgment, Including a Hearing as to Attorneys' Fees and Costs As to Count I, and the Court having considered the service and defaults entered against Defendants and the pleadings, exhibits, affidavits and other proofs filed herein, having heard the arguments of counsel, and being otherwise fully advised in the premises, it is thereupon,

IT IS ADJUDGED that:

1. Defendants have been properly served on August 14, 2012, and defaulted by the Clerk of this Court on September 7, 2012, and the Plaintiff is due the following:

Quarterly Assessments from 10-1-09 through 10-1-12	\$27,335.91
Late Charges/Interest	\$ 7,243.55
Administration Fees	\$ 50.00
Electrical Charges	\$ 788.77
	SUBTOTAL \$35,418.23
Attorneys' Fees	\$ 1,575.00
Costs	\$ 836.60
	TOTAL \$37,829.83

that shall bear interest at the rate allowable by law per year.

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:

Condominium Unit C-902, 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 (herein "Property").

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 public sale to the highest bidder or bidder for cash at the courthouse located at 300 E. 4th Street in Bay County in Panama City, Florida, in accordance with section 45.031, Florida Statutes, by electronic sale beginning at 11:00 o'clock a.m. Central Time on *not less than sixty days from today* March 8, 2013 at www.bay.realforeclose.com.

4. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property at the 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 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.

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 attorneys' fees; and fourth, the total sum due to plaintiff, less the items paid, plus interest at the court established rate 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. Upon filing 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, but not limited to judgment against Defendant as to Count II of Plaintiff's Complaint and a deficiency judgment.

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, BAY COUNTY, WITHIN 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 NORTH FLORIDA LEGAL SERVICES, 211 E. 11TH ST., PANAMA CITY, FLORIDA 32401, TEL. (850) 769-3581 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida, on this
5 day of January, 2013.



HONORABLE HENTZ McCLELLAN
Circuit Court Judge

Copies furnished to:

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DEFENDANTS

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DEFENDANT