

IN THE CIRCUIT COURT OF THE 14TH
JUDICIAL CIRCUIT, IN AND FOR
BAY COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 09001920CA

FOR CLERK'S USE ONLY

THE BANK OF NEW YORK MELLON FKA THE BANK
OF NEW YORK, TRUSTEE FOR THE
CERTIFICATEHOLDERS CWMBS, INC. CWMBS
REPERFORMING LOAN REMIC TRUST CERTIFICATES,
SERIES 2005-R2

Plaintiff,

vs.

PHILLIP ADDISON; UNKNOWN SPOUSE OF PHILLIP
ADDISON IF ANY; TONI L. ADDISON A/K/A TONI
ADDISON A/K/A TONI LYNN JAMES; UNKNOWN
SPOUSE OF TONI ADDISON A/K/A TONI LYNN JAMES
IF ANY; ANY AND ALL UNKNOWN PARTIES
CLAIMING BY, THROUGH, UNDER AND AGAINST
THE HEREIN NAMED INDIVIDUAL DEFENDANT(S)
WHO ARE NOT KNOWN TO BE DEAD OR ALIVE,
WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEEES
OR OTHER CLAIMANTS; BAY COUNTY, FLORIDA;
UNIFUND CCR PARTNERS, G.P.; CITIBANK (SOUTH
DAKOTA), NATIONAL ASSOCIATION; JOHN DOE
AND; JANE DOE AS UNKNOWN TENANTS IN
POSSESSION;

Defendants.

FILED
2013 JAN 22 A 10:52
BILL KINSAUL
CLERK OF COURT
BAY COUNTY FLORIDA

FINAL JUDGMENT OF MORTGAGE FORECLOSURE

THIS ACTION was heard before the Court. On the evidence presented, IT IS ADJUDGED that:

1. There is due and owing to Plaintiff:

- | | |
|---|-------------|
| A. As unpaid principal of the indebtedness
agreed to be paid in the mortgage herein
foreclosed and the note secured thereby | \$51,044.13 |
| B. Interest through 01/22/13 | \$16,173.92 |
| C. Advances by Plaintiff | 10,944.88 |

<u>Description</u>	<u>Amount</u>
Taxes	\$2,454.85
Hazard Insurance	\$8,445.03
Property Inspection	\$45.00

D. Pre-Acceleration Late Charges	246.64
E. Title Search	325.00

<u>SUBTOTAL</u>	<u>\$78,734.57</u>
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Attorney's fees	<u>\$ 390.00</u>
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<u>TOTAL</u>	<u>\$79,124.57</u>
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that shall bear interest from this date forward at the prevailing legal rate of interest. Plaintiff shall also recover such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of Sale, and any advances made by the Plaintiff subsequent to the date specified in item B of this paragraph which are proper under the terms of the note and mortgage foreclosed herein.

2. The Court finds that service of process was properly effected on each of the Defendants.

Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s) PHILLIP ADDISON; TONI L. ADDISON A/K/A TONI ADDISON A/K/A TONI LYNN JAMES; BAY COUNTY, FLORIDA; UNIFUND CCR PARTNERS, G.P.; CITIBANK (SOUTH DAKOTA), NATIONAL ASSOCIATION; UNKNOWN TENANTS IN POSSESSION on the following described property in BAY County, Florida:

**LOT 12 AND THE EAST 40 FEET OF LOT 11, IN BLOCK 1, CALLAWAY HEIGHTS,
AS RECORDED IN PLAT BOOK 9, PAGE 39, IN THE OFFICE OF THE CLERK OF
THE CIRCUIT COURT OF BAY COUNTY, FLORIDA.
a/k/a 5122 COLLINS STREET, PANAMA CITY, FLORIDA 32404-**

3. If the total sum set forth in paragraph 1 with interest at the interest rate prescribed by law and all costs of this action and proper advances pursuant to paragraph 1 accruing subsequent to this judgment are not paid; the Clerk of this Court shall sell the property at public sale on April 22, 2013, at 11:00 A.M., to the highest bidder for cash, except as prescribed in paragraph 5, BY ELECTRONIC SALE AT: WWW.BAY.REALFORECLOSE.COM, in accordance with Section 45.031, Florida Statutes.

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 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 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. If prior to the sale, Plaintiff shall be required to advance any monies pursuant to the provisions hereof, then Plaintiff or its attorneys shall so certify to the Clerk of this Court, and the amount due to Plaintiff as set forth in paragraphs 1 hereof shall be increased by the amount of such advances without further order of the Court. If Plaintiff is successful bidder at the sale, Plaintiff's rights as such may be assigned to a third party and, in that event, the Clerk of this Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee upon application of Plaintiff and without further Order of this Court.

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; fourth, the total sum due to Plaintiff less the items paid, plus interest at the rate prescribed in paragraph 1 hereof from this date to the date of the sale; and by retaining any amount remaining pending the further order of this Court. All sums to be disbursed to Plaintiff shall be made payable to Plaintiff's Attorney, Kahane & Associates, P.A. Trust Account and mailed to 8201 Peters Road, Suite 3000, Plantation, FL 33324.

6. Upon issuance of the Certificate of Sale by the Clerk of the Court, the 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. If any defendant remains in possession of the property, the clerk shall ~~without~~ ^{upon} further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of title for the premises located at 5122 COLLINS STREET, PANAMA CITY, FLORIDA 32404-.

7. 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. Furthermore, upon the issuance of the Certificate of Sale, any interest of BAY COUNTY, FLORIDA, including, but not limited to, its interest arising out of the is hereby foreclosed and shall not act as a lien against the property.

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

9. The retention of jurisdiction to enter deficiency judgments set forth in paragraph 8 above, shall not apply if personal liability has been discharged under the provisions of the U.S. Bankruptcy code (11 U.S.C. § 101, et seq.).

10. If Plaintiff is the Purchaser at the sale, Plaintiff's bid is hereby assigned to, and the Clerk of Court is hereby directed to issue a Certificate of Title to assignee named therein.

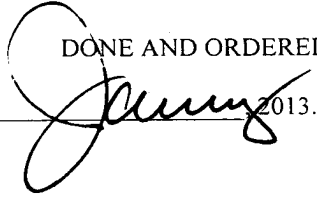
NOTICE PURSUANT TO AMENDMENT TO SECTION, 45.031, FLA. ST. (2006)

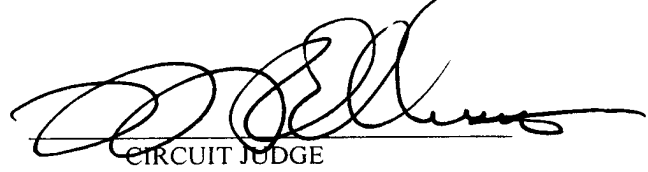
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURUSANT TO THE FINAL JUDGMENT.

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 SIXTY (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, 300 EAST FOURTH STREET, RM.105, PANAMA CITY, FLORIDA 32401 (TELEPHONE: 850 8737182), 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, PREFERABLEY 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, 221 EAST 23RD STREET, PANAMA CITY, FL 32405 PHONE: 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 THE BAYCOUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at Panama City, BAY County, Florida, this 22nd day of


2013.


CIRCUIT JUDGE

Copies furnished to the parties listed on the attached service list:

Summary Final Judgment
Case No. 09001920CA

Kahane & Associates, P.A.
8201 Peters Road, Ste.3000
Plantation, FL 33324
Telephone: (954) 382-3486
Telefacsimile: (954) 382-5380
Designated service email: notice@kahaneandassociates.com

PHILLIP ADDISON
5122 COLLINS ST.
PANAMA CITY, FLORIDA 32404

TONI L. ADDISON A/K/A TONI
ADDISON A/K/A TONI LYNN JAMES
6330 OMOKO ST. APT. F3
PANAMA CITY, FLORIDA 32404

BAY COUNTY, FLORIDA
C/O DONALD J. BANKS, ESQ.
840 W. 11TH STREET
PANAMA CITY, FLORIDA 34201
dbanks@baycountyfl.gov

UNIFUND CCR PARTNERS, G.P.
C/O KIM LINDQUIST
10625 TECHWOODS CIRCLE
CINCINNATI, OH 45243

CITIBANK (SOUTH DAKOTA),
NATIONAL ASSOCIATION
C/O TAMI ODEGAARD
701 EAST 60TH STREET NORTH
SIOUX FALLS, SOUTH DAKOTA 57104

UNKNOWN TENANTS IN POSSESSION
5122 COLLINS ST.
PANAMA CITY, FLORIDA 32404