

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

CADENCE BANK, N.A., as successor-in-interest by
merger to Superior Bank, N.A.,

Plaintiff,

Case No.: 2012-CA-1349

vs.

NEVER ANSWERS, LLC, a Florida limited liability
company, GEORGE S. NEWMAN, JR., individually,
JEFF T. MCDONALD, individually, PAUL WAYNE
ALDERMAN, individually, OCEAN PLANTATION
HOMEOWNERS ASSOCIATION, INC., a Florida
non-profit corporation,

Defendants.

FILED
2013 MAR 11 A 10:10
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

UNIFORM FINAL JUDGMENT OF FORECLOSURE

THIS MATTER was heard before the Court on the Motion for Summary or Default Judgment on Amended Verified Complaint of Plaintiff, Cadence Bank, N.A. on March 11, 2013. After consideration of all evidence presented, this Court rules as follows:

IT IS ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over Never Answers, LLC, a Florida limited liability company (the "Borrower"), and George S. Newman, Jr., Jeff T. McDonald, and Paul Wayne Alderman, all of whom are collectively referred to herein as the "Guarantors," all of whom with the Borrower are collectively referred to herein as the "Defendants," Ocean Plantation Homeowners Association, Inc., a Florida non-profit corporation (the "Junior Liholder"), collectively referred to herein as the "Defendants."

2. **VALUE OF CLAIM:** At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes (effective for actions filed on and after June 1, 2009), Plaintiff estimated the amount in controversy of the claim to be \$361,681.55. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$3,374,463.22, as set forth below. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the following graduated filing fee scale in section 28.241(1)(a)2.d., Florida Statutes, controls:

\$400	Value of claim less than or equal to \$50,000 with 5 defendants or less
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\$905	Value of claim greater than \$50,000 but less than \$250,000 with 5 defendants or less
\$1,905	Value of claim \$250,000 or greater with 5 defendants or less

If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the additional fee at least 24 hours prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. The following amounts are due and owed to the Plaintiff:

Principal due on the note secured by the mortgage foreclosed:	\$ 318,760.50
Interest on the note and mortgage as of 3/11/13	\$ 20,400.68
Late charges	\$ 16,020.37
Escrow advances	\$
Title search expenses	\$ 350.00
Taxes for the year(s) of _____	\$
Insurance premiums	\$
Court costs:	\$
Filing fee	\$ 1,905.00
Service of process \$ 100.00 per defendant	\$ 200.00
Publication for _____	\$
SUBTOTAL	\$357,636.55
Additional costs – Appraisal Fee	
Environmental Phase I Fee	
SUBTOTAL	\$357,636.55
Attorney's fees based upon 20 hours at an effective rate of \$202.25 per hour	\$ 4,045.00
Less: Undisbursed escrow funds	\$
Less: Unearned insurance premiums	\$
Less: Miscellaneous deductions or credits	\$
TOTAL SUM	\$361,681.55

4. The total sum in paragraph 3 will bear interest at the prevailing statutory interest rate of 4.75 percent per year from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust in accordance with section 55.03, Florida Statutes.

5. Plaintiff, whose address is 3301 Thomasville Road, Suite B-300, Tallahassee, Florida, 32308, holds a lien for the total sum specified in paragraph 3 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any

assessments that are superior pursuant to sections 718.116 and 720.3085, Florida Statutes. The Plaintiff lien encumbers the subject property located in Bay County, Florida, and described as:

(See legal description beginning on next page)

LOTS 2, 46, 48, 53, AND 57. OCEAN PLANTATION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 67 & 68, IN THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

6. If the total sum with interest at the rate described in paragraph 4 and all costs accrued subsequent to this judgment are not paid, the Clerk of Circuit Court shall sell the subject property at public sale on April 25, (date), at 11:00 A. m. CST, to the highest bidder for cash, except as prescribed in Paragraph 7, in the following location: Bay County Courthouse, 300 E. 4th Street, Panama City, Florida, after having first given notice as required by Section 45.031, Florida Statutes. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale.

Plaintiff or Plaintiff's attorney may also cancel or reschedule the sale by filing a motion with the Court in accordance with Florida Rules of Civil Procedure, Form 1.996(b) and may seek to reschedule the sale to a later date.

7. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

8. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 6, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

9. On the filing of the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

10. On filing of 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

11. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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 LIEN HOLDER 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 CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT A LEGAL SERVICES OFFICE, SUCH AS: LEGAL SERVICES OF NORTH FLORIDA, QUINCY, (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 ANOTHER OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. The Plaintiff may assign the judgment and credit bid by the filing of an assignment without further Order of the Court.

13. The Court retains jurisdiction of this action to enter further Orders that are proper, including without limitation, orders authorizing writs of possession and an award of attorney's fees, and to enter a deficiency judgment if the Defendants have not been discharged in bankruptcy.

DONE AND ORDERED in Bay County, Florida, on this 11th day of March 2013.


THOMAS R. ELLINOR
CIRCUIT COURT JUDGE

Conformed copies to:

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