

FILED

2013 APR 15 P 12:15

BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

<p>IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT IN & FOR BAY COUNTY, FLORIDA</p> <p>Clerk Case Number: 2010-CA-002578 Division: Circuit Civil</p> <p>Springleaf Home Equity, Inc. f/k/a American General Home Equity, Inc.,</p> <p>Plaintiff(s),</p> <p>vs.</p> <p>Unknown Heirs, Devisees, Grantees, Assignees, Creditors, Lienors and Trustees of The Estate of Harry Lee Smith Jr., Deceased, and all other Persons Claiming By, Through, Under and Against the Named Defendant(s); Shannon Elizabeth Strom; Harry Lee Smith, III, Joseph C. Smith;</p> <p>Defendant(s).</p>	<p>FOR CLERK'S USE ONLY</p>
<p>FINAL JUDGMENT OF FORECLOSURE</p>	

THIS action was heard before the Court on Plaintiff's Motion for Summary Final Judgment on April 15, 2013. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1. Plaintiff, Springleaf Home Equity, Inc. f/k/a American General Home Equity, Inc. is due:

Principal Due on Note and Mortgage	\$208,315.38
Interest to the date of this Judgment	\$13,439.58
Title Search Expenses	\$325.00
Taxes:	\$9,833.30
Attorney fees:	
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 fee requested and the labor expended, the Court finds that a lodestar analysis is not	\$1,300.00

necessary and that the flat fee is reasonable.
Additionally based upon:

Guardian Ad Litem Flat Fee Amount of	\$250.00
Attorney Fee Total	\$1,550.00

<u>Court Costs Now Taxed</u>	
Filing Fee	\$967.50
Filing Fee for Lis Pendens	\$5.00
Publication for Service	\$463.40
Private Process Server	\$730.40
Mediation Cost	\$400.00
GUARDIAN AD LITEM	\$450.00

OTHER COSTS:

Pre-Acceleration Late Charges	\$30.00
Return Check Fee	\$25.00
Hazard Insurance	\$2,862.58
JUDGMENT GRAND TOTAL	<u>\$239,397.14</u>

That shall bear interest at the prevailing statutory rate pursuant to F.S. §55.03.

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

Property Address: 12223 Country Club Drive (Lot 41) and, 12229 Country Club Drive (Lot 40, Vacant Land), Panama City, FL 32404

- a. Legal Description: LOTS 40 AND 41, BLOCK E, SANDY CREEK RANCH AND COUNTRY CLUB, PHASE ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 4, PUBLIC RECORDS OF BAY COUNTY, FLORIDA.
- b. Parcel ID No. 07400-390-000(Lot 40) 07400-391-000 (Lot 41)

The aforesaid lien of the Plaintiff is prior, paramount and superior to all rights, claim, liens, interest, encumbrances and equities of the Defendants and all persons, firms or corporations claiming by, through or under said Defendants or any of them and the property will be sold free and clear of all claims of said Defendants, with the exception of any assessments pursuant to Florida Statutes §§718.116 and 720.3085.

3. If the total sum with interest at the rate prescribed by law and all costs of this action accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the

property at public sale to the highest bidder for cash, except as set forth hereinafter, on

May 30, 2013 at 11:00 am (CDT) at www.bay.realforeclose.com in accordance with Chapter 45, 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 the 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; 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 remaining amount 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 (2010) 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. This Court retains jurisdiction of this cause for the purpose of entering any and all further orders as may be necessary and proper including, without limitation, writs of possession and a deficiency judgment, if appropriate.
8. 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 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, BILL KINSAUL, BAY COUNTY COURTHOUSE, 300 EAST 4TH STREET, PANAMA CITY, FL 32401, (907)763-9061, 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., 221 EAST 23RD STREET, SUITE B, PANAMA CITY, FL 32405, 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., 221 EAST 23RD STREET, SUITE B, PANAMA CITY, FL 32405, 850-769-3581 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE

DONE AND ORDERED in Chambers in Bay County, Florida, this 15th day of April, 2013.


Presiding Judge

Copies furnished to:

SHAPIRO, FISHMAN & GACHÉ, LLP, 4630 Woodland Corporate Blvd., Suite 100, Tampa, FL 33614

Shannon Elizabeth Strom, 4615 Francisco Road, Pensacola, FL 32504

Harry Lee Smith, III, 819 Savannah Falls Drive, Weston, FL 33327

Joseph C. Smith, 8091 Bayou Fountain Avenue, Apartment #104, Baton Rouge, LA 70802

Unknown Heirs, Devisees, Grantees, Assignees, Creditors, Lienors and Trustees of The Estate of Harry Lee Smith Jr., Deceased, and all other Persons Claiming By, Through, Under and Against the Named Defendant(s), c/o David W. Veliz, Esq., 425 West Colonial Drive, Suite 104, Orlando, FL 32804

10-187342 FC01 AVG