

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

LANDMARK GENERAL CONTRACTORS, INC.,

Plaintiff,

v.

THE ELLISON GROUP, LLC AND FIRST BAPTIST
CHURCH OF PANAMA CITY BEACH, INC.

Defendants.

CASE NO. 11-1447-CC

FILED
28 APR 23 A 9:06
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

AMENDED FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE came before the Court on the Plaintiff's Complaint for the foreclosure of a lien against the real property of the Defendant, First Baptist Church of Panama City Beach, Inc. A trial in this matter was held on October 2, 2012, and the Court reviewed the pleadings on file, heard argument of counsel, heard testimony of the parties and witnesses, received exhibits, and having been otherwise duly advised in the premises, it is hereby

ORDERED and ADJUDGED as follows:

1. Plaintiff, Landmark General Contractors, Inc., is due the following:

Final Judgment of December 5, 2012	\$13,132.81
Accrued Interest through April 1, 2013 (per diem \$1.71)	198.36
Attorney's Fees (Final Judgment of March 27, 2013)	7,000.00
Costs	<u>245.00</u>
TOTAL	\$20,576.17

which shall bear interest at the current statutory rate of four and three-quarters percent (4.75%).

2. Plaintiff holds a lien for the total sum on the Defendant's real property in Bay County, Florida, and more particularly described on "Exhibit A."

3. If the total sum with interest at the rate described in Paragraph 1 and all costs accrued subsequent to this judgment is not paid, the Clerk of this Court shall sell the property at a public sale on May 28, 2013, to the highest bidder for cash, except as hereinafter set forth, at the Bay County Courthouse, 300 East 4th Street, in Panama City, Bay County, Florida, in accordance with Florida Statutes § 45.031, using the following method: electronic sale beginning at 11:00 a.m. on the prescribed date 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 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.

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 attorney 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 further Order of this Court.

6. On filing the Certificate of Sale, the Defendant and all persons under or against the Defendant 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 the Defendant remains in possession of the property, the Clerk, without further Order of the Court, will issue forthwith a writ of possession upon written request of the person named on the Certificate of Title.

7. Jurisdiction in this action is retained to enter further Orders that are proper, including, without limitation, a deficiency judgment and writ of possession.

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.

DONE AND ORDERED in Panama City, Bay County, Florida, this 22nd day of April, 2013.


TIMOTHY C. CAMPBELL
COUNTY JUDGE

Mitch Dever, Esquire
P. O. Box 9811
Panama City Beach, FL 32417

Julie Sombathy, Esquire
Isler & Sombathy
P. O. Box 430
Panama City, FL 32402

Exhibit A

Begin at the NE corner of Lot 1, Block 5, Unit 1 of Suntime Beach Subdivision as recorded in Plat Book 8, Page 43 of Bay County, Florida, and run South 67 degrees, 29 minutes, 52 seconds East along the South R/W line of U. S. 98 ALT. 320 feet; thence depart said R/W line and run South 22 degrees 42 minutes 27 seconds West 538.90 feet to a point being on a curve concave to the Southeast having a delta angle of 21 degrees, 38 minutes 18 seconds, radius of 1157.28; thence run Southwesterly along said curve an arc distance of 437.06 feet to the end of said curve; thence run South 01 degree 02 minutes 19 seconds West 979.02 feet; thence South 29 degrees 42 minutes 33 seconds West 200.04 feet to the North R/W line of U. S. 98; thence run North 60 degrees 17 minutes 26 seconds West along said R/W line 346.68 feet; thence depart said R/W line and run North 31 degrees 30 minutes 54 seconds East 151.15 feet; thence North 03 degrees 22 minutes 49 seconds East 122.50 feet; thence North 01 degree 02 minutes 11 seconds East 240.00 feet; thence North 01 degree 05 minutes 27 seconds East 59.93 feet; thence North 01 degree 00 minutes 39 seconds East 419.35 feet to a point being on a curve concave to the Southeast having a delta angle of 22 degrees 14 minutes 22 seconds, radius of 1477.28 feet; thence run Northeasterly along said curve an arc distance of 573.41 feet to the end of said curve; thence run North 22 degrees 41 minutes 39 seconds East 327.06 feet; thence North 22 degrees 42 minutes 55 seconds East 60.47 feet; thence North 22 degrees 44 minutes 00 seconds East 150.22 feet to the Point of Beginning. Also Lots 1, 2, 3, 4, 5 and 6, Block 3, and Lots 1 and 2, Block 5, and Lot 2, Block 1, all lots being in Suntime Beach Subdivision as recorded in Plat Book 8, Page 43, of Bay County, Florida.