

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT, IN AND FOR BAY COUNTY, FLORIDA GENERAL JURISDICTION DIVISION CASE NO.: 2010-002780-CA

WELLS FARGO BANK, N.A.; Plaintiff, vs.

JAMES G. HIPKINS, 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; Defendants,

FILED 2013 APR 30 PM 5:53 BAY COUNTY FLORIDA

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court at Trial on April 30, 2013. On the evidence presented, IT IS ORDERED AND ADJUDGED that Plaintiff's Final Judgment of Foreclosure is GRANTED against all Defendants listed by name: JAMES G. HIPKINS, defendants:

1. Amounts Due and Owng. Plaintiff is due:

Table with 2 columns: Description and Amount. Rows include Principal due on the note secured by the mortgage foreclosed: \$ 92,067.73; (Per diem interest at \$15.13) from 05/01/2010 to 04/30/2013 at 6.000000% \$ 16,550.80; Late Fee \$ 77.22; Taxes for the year(s) of: 2012 - \$784.98, 2011 - \$844.35, 2010 - \$897.09, 2009 - \$922.97; Hazard Insurance for the year(s) of: 2012 - \$1,552.29, 2011 - \$1,330.27, 2010 - \$1,125.08, 2009 - \$1,860.20; Property Inspections \$ 485.00; Escrow Credit (\$ -2,108.33); Attorneys' Fees: \$1,300.00 (Judgment and Sale Fee); Attorneys' Fees Total \$ 1,300.00

\*(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.)

Table with 2 columns: Description and Amount. Rows include SUBTOTAL \$117,689.65; Complaint Filing Fee \$ 935.00; Service of Process \$ 180.00; Pacer Report \$ 5.00; Title Search \$ 200.00; Title Update \$ 45.00; Recording Fee \$ 5.00; GRAND TOTAL \$119,059.65

2. Interest. In accordance with Fla. Stat. § 55.03, statutory interest shall be payable at a rate of 4.75%, and shall be adjusted annually on January 1 of each year in accordance with the interest rate in effect on that date as set by the Chief Financial Officer until the Judgment is paid.

3. **Lien on Property.** Plaintiff, whose address is 1 HOME CAMPUS, DE MOISE, IA 50328, holds a lien for the grand total sum superior to all claims or estates of the defendant(s), on the following described property in Miami Dade County, Florida:

**LOT 6, BLOCK 2 OF NORTH CALLAWAY ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE(S) 83, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.**

**PROPERTY ADDRESS: 7228 MASSACHUSETTS STREET, PANAMA CITY, FL 32404, Bay**

4. If the total sum set forth in Paragraph 1, with interest at the rate prescribed by law and all costs of this action accruing subsequent to this Judgment, is not paid prior to the scheduled public sale, the Clerk of this Court shall sell the property described in Paragraph 2 at public sale on June 14, 2013 by using the following method:
  - a. By electronic sale beginning at 11:00 on the prescribed date at <http://www.bay.realforeclose.com>
5. 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 necessary to pay the bid in full.
6. 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's 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.
7. 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 on the property and the purchaser at the sale, except as to claim 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 further order of the court issue forthwith a writ of possession upon request of the person names on the certificate of title.
8. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and a deficiency judgment.
9. In the event the instant case is dismissed by the Plaintiff, the Clerk of Court is hereby directed to release any original loan documents filed with the Court to counsel of record for Plaintiff.
10. The Court specifically finds Plaintiff has satisfied the statutory requirements of Section 673.3091 to reestablish the promissory note upon which this cause of action rests. Plaintiff hereby agrees to indemnify and hold the signatories to the promissory note that is the subject of this foreclosure action harmless from any loss they may incur as a direct result of another person or entity seeking to enforce said promissory note.

**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 THE FINAL JUDGMENT.**

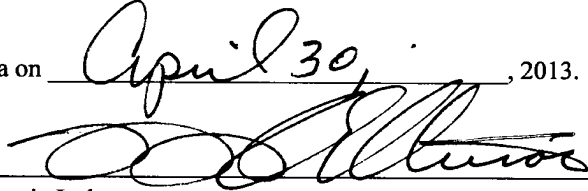
**IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAT 60 DAYS AFTER THE SALE IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**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 Phone (850) 763-9061 at Courthouse 300 East Fourth Street, Panama City, FL 32401 OR 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 UNDERSTANT WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY INFORMATION, IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT (850) 769-3581 OR THE NEAREST LEGAL AID OFFICE TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, YOU MAY CHOOSE TO CONTACT LEGAL SERVICES OF NORTH FLORIDA, INC. – PANAMA CITY OFFICE (850) 769-3581 FOR ASSISTANCE YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE AND ORDERED** at Bay County, Florida on April 30, 2013.

  
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Circuit Judge

Copies furnished to:

MARINOSCI LAW GROUP, P.A.  
Attorney for Plaintiff  
100 West Cypress Creek Road, Suite 1045  
Fort Lauderdale, Florida 33309

JAMES G. HIPKINS  
7228 MASSACHUSETTS ST.  
PANAMA CITY, FL 32404

UNKNOWN TENANT(S)  
7228 MASSACHUSETTS ST.  
PANAMA CITY, FL 32404