

**IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA**

PNC MORTGAGE, A DIVISION OF PNC BANK,  
NATIONAL ASSOCIATION, SUCCESSOR BY MERGER  
TO NATIONAL CITY BANK, SUCCESSOR BY MERGER  
TO NATIONAL CITY MORTGAGE CO.

Plaintiff,  
vs.

CASE NO. 03-2010-CA-000083 DI

TARYN MICHELLE HUDDLESTON; ELIZABETH S.  
CLEMONS; REGIONS BANK; MARTIN S. LEWIS,  
ATTORNEY FOR DEBTOR;  
Defendant(s)

**FILED**  
2013 JUL 11 P 3:43  
B. KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

**FINAL JUDGMENT OF MORTGAGE FORECLOSURE  
AND AWARD OF ATTORNEY'S FEES**

This action was heard before the Court on Non Jury Trial held on July 11, 2013. On the evidence presented and being otherwise fully informed in the premises:

**IT IS ADJUDGED** that:

- Final Judgment for Plaintiff is **GRANTED (IN REM ONLY)**. Service of process has been duly and regularly obtained over, Taryn Michelle Huddleston; Elizabeth S. Clemons; Regions Bank; Defendants.
- Amounts due and owing.** There is due and owing to the Plaintiff, PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO NATIONAL CITY BANK, SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE CO., 3232 Newmark Drive, Miamisburg, OH 45342, the following:

Principal due on the note secured by the mortgage foreclosed:	\$ 98,437.80
Interest on the note and mortgage from 06/01/2009 to 07/01/2013 plus per diem interest at \$15.84 through date of entry of Final Judgment	\$ 23,639.90
Late Charges	\$ 169.05
Hazard Insurance 05/10/2010 \$1,145.96 03/09/2011 \$1,421.76 03/12/2012 \$1,428.11 03/12/2013 \$1,469.03	\$ 5,464.86
Flood Insurance 04/07/2011 \$422.46 04/12/2012 \$381.00	\$ 1,184.46

04/01/2013 \$381.00	
MIP/PMI Insurance 2010 \$40.22 2011 \$434.06 2012 \$463.62 2013 \$453.72	\$ 1,391.92
Property Preservation	\$ <del>7,715.00</del>
Taxes for the year(s) of 11/02/2010 \$779.97 11/02/2011 \$894.94 11/16/2012 \$865.49	\$ 2,540.40
Other*: The requested attorney's fee is a flat fee that the firm's client has agreed to pay in this manner. Given the amount of the fee requested and the labor expended, the court finds that a lodestar analysis is not necessary and the flat fee is reasonable.	\$ 1,250.00
Finding as to reasonable number of hours: <u>10</u> Finding as to reasonable hourly rate: <u>\$175.00</u>	\$ 1,750.00
Attorney's Flat Fee for Initial Review of Transfer File	\$ 150.00
Court costs, now taxed:	
Filing fee	\$ 986.50
Service of process	\$ 510.00
Title Exam and Report	\$ 350.00
Recording Fees	\$ 9.00
Title Claims	\$ 700.00
Bankruptcy Attorney Fees and Costs	\$ 650.00
Initial Title Search	\$ 150.00
<b>SUBTOTAL</b>	\$ 147,048.89
LESS: Escrow Balance	\$ -0.00
LESS: Other:	\$ -0.00
<b>TOTAL</b>	\$ <u>147,048.89</u>

139,333.89

that shall bear the interest at the prevailing statutory rate of interest.

3. **Lien on Property.** Plaintiff holds a lien for the total sum specified in paragraph 2 above. Such lien is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants of any of them and the property will be sold free and clear of all claims or estates of defendant(s), with the exception of any assessments that are superior pursuant to *Chapters 718 or 720, Florida Statutes*, if any, on the following described property in Bay County, Florida:

That certain parcel of land situate, lying and being in Bay County, Florida, and more particularly described as follows:

Commence at the Northwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 8, Township 2 South, Range 13 West; thence South 00 degrees 51 minutes 47 seconds East along the West line of said Southwest  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$  a distance of 359.61 feet; thence North 89 degrees 19 minutes 43 seconds East, 1131.92 feet to an existing iron pipe; thence continue North 89 degrees 19 minutes 43 seconds East 227.34 feet to an iron rod (5943) said iron rod being the Point of Beginning; thence continue North 89 degrees 19 minutes 43 seconds East 150.00 feet to an iron pipe; thence South 00 degrees 51 minutes 00 seconds East 150.00 feet to an iron rod; thence South 89 degrees 19 minutes 43 seconds West 150.00 feet to an iron rod; thence North 00 degrees 51 minutes 00 seconds West 150.00 feet to the Point of Beginning.

Property Address: 9720 Joan Road, Youngstown, FL 32466

4. **Sale of Property.** If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the subject property at public sale on August 8 2013 (date) to the highest bidder for cash, except as prescribed in paragraph 5, by electronic sale at [www.bay.realforeclose.com](http://www.bay.realforeclose.com), after having first given notice in accordance with *Section 45.041, Florida Statutes*, using the following method:

- By electronic sale beginning at 11:00 a.m. Central Time on the prescribed date at [www.bay.realforeclose.com](http://www.bay.realforeclose.com).

5. **Costs and Advances by Plaintiff.** 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. If the Plaintiff has advanced any monies pursuant to the provisions of the mortgage subsequent to the date of its Affidavit of Indebtedness which are not included in the total above, or if the Plaintiff shall advance prior to the sale any monies pursuant to the provisions hereof or the provisions of the mortgage, then the Plaintiff or its attorneys shall so certify to the Clerk of Court, and the amount due to Plaintiff as set forth herein shall be increased by the amount of such advances without further order of the Court. The Clerk shall receive the service charge imposed in *Section 45.031, Florida Statutes*, for services in making, recording and certifying the sale and title that shall be assessed as costs.

6. **Distribution of Proceeds.** 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 2 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court. During the sixty (60) days after the Clerk issues the Certificate of Disbursements, the Clerk shall hold the surplus pending further Order of this Court.

7. **Right of Redemption and Possession.** 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. 111-22, 123 Stat. 1660*, or as to claims or rights under *Chapter 718 or Chapter 720, Florida Statutes*, if any. Upon the filing of the Certificate of Sale, Defendant's right of redemption as provided by *Section 45.0315, Florida Statutes* shall be terminated. Upon the filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the

property. The Clerk of Court is hereby directed to issue a Writ of Possession upon application for same by Plaintiff or purchaser without further order of this Court.

8. **Award of Attorney's Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 10 hours were reasonably expended by Plaintiff's counsel for handling contested matters associated with this case and that an hourly rate of \$175.00, for a subtotal of \$1,750.00 is appropriate. The Court finds further, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that a flat fee amount of \$1,250.00 for attorney's fees for handling uncontested matters associated with this case is reasonable. The total amount awarded is \$3,000.00. (Additionally, the Court finds further based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that a flat fee for initial review of the transferred file in the amount of \$150.00, is reasonable.) PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation v. Rowe, 427 So. 2d 1145 (Fla. 1985).

9. **Jurisdiction Retained.** Jurisdiction of this action is retained 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 Defendant has not been discharged in bankruptcy.

10. **Assignment of Bid.** The Plaintiff may assign the judgment and/or credit bid by the filing of an assignment without further Order of the Court prior to issuance of Certificate of Title.

11. **Original Loan Documents.** The Plaintiff may permanently withdraw from the Court file the original mortgage, the original promissory note and the original assignments of mortgage, and photocopies of the same attached to the complaint shall hereafter be and stand in lieu thereof. If the Plaintiff requests the return of those documents the Clerk is hereby ordered to release them to the Plaintiff without further order of this Court.

12. **Liability to Association.** The liability of the Plaintiff for any homeowners association's or condominium association's unpaid assessments that became due before the Plaintiff's acquisition of title is limited to the amounts established pursuant to Section 718.116(1)(b)1 or Section 720.3085(2)(c), Florida Statutes, whichever may be applicable.

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 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, 300 EAST 4TH STREET, PANAMA CITY, FL 32401, TELEPHONE #(850) 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 PROPER INFORMATION.

IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL SERVICES OF NORTH FLORIDA, INC., 211 E. 11TH STREET, PANAMA CITY, FL 32401-2938, (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 LEGAL SERVICES OF NORTH FLORIDA, INC., 211 E. 11TH STREET, PANAMA CITY, FL 32401-2938, (850) 769-3581 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in , Bay County, Florida on this 11 day of July, 20 15

*Rebecca L. White*  
Circuit Judge

Copies furnished to all parties on the service list:

WWR #10054679

**SERVICE LIST**

Weltman, Weinberg & Reis Co., L.P.A.  
550 West Cypress Creek Road, Suite 550  
Fort Lauderdale, FL 33309

Leah H. Mayersohn, Esquire  
Attorney for Region's Bank  
101 NE 3rd Ave Ste 1250  
Fort Lauderdale, FL 33301

Taryn Michelle Huddleston  
9720 Joan Road  
Youngstown, FL 32466

Elizabeth S. Clemons  
9720 Joan Road  
Youngstown, FL 32466

Current Tenant (s)  
9720 Joan Road  
Youngstown, FL 32466