

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

CASE NO.: 12002474CA  
DIV NO.:

**MARRIOTT OWNERSHIP RESORTS, INC.**

**Plaintiff,**

**vs.**

**WAYNE F. TAYLOR, et al.,**

**Defendant(s).**

FILED  
2013 JUL 25 A 10:51  
BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY FLORIDA

**SUMMARY FINAL JUDGMENT IN FORECLOSURE AS TO COUNT(s) II**  
**(DEFENDANTS DENNIS J. PITONYAK and LINDA B. PITONYAK)**

This cause coming on this day upon the Complaint, Defaults, Affidavits, and Motion for Summary Judgment filed herein after notice to all parties and the Court having heard argument of counsel and considered the affidavits and pleadings filed herein, and having found that there is no genuine issue of material fact and that the Plaintiff, **MARRIOTT OWNERSHIP RESORTS, INC.**, is entitled to such judgment in foreclosure as a matter of law, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. Judgment in favor of Plaintiff, **MARRIOTT OWNERSHIP RESORTS, INC.**, against Defendants, **DENNIS J. PITONYAK and LINDA B. PITONYAK** and **MARRIOTT RESORTS HOSPITALITY CORPORATION**, a South Carolina corporation, Management Agent on behalf of **LEGENDS EDGE CONDOMINIUM ASSOCIATION, INC.**, a Florida not for profit corporation, and All Owners as Agent, is hereby **GRANTED**.
2. The Court has jurisdiction over the subject matter hereof and the parties hereto and the equities herein are with the Plaintiff.

3. The following sums are due the Plaintiff on the note and mortgage foreclosed herein:

a.	<b>Unpaid principal balance on the note and mortgage.</b>	<b>\$ 3,929.91</b>
b.	<b>Interest on the principal balance from October 1, 2010 through Thursday, July 25, 2013 (per diem continuing @ \$1.47)</b>	<b>\$ 1,511.16</b>
c.	<b>Late Fees</b>	<b>\$ 132.90</b>
d.	<b>Service Fee</b>	<b>\$</b>
e.	<b>Recording Fee</b>	<b>\$</b>
f.	<b>Service of Process Court costs Title Search Attorney's Costs</b>	<b>\$ 650.00</b>
g.	<b>Attorney's Fees</b>	<b>\$ 500.00</b>
	<b>TOTAL</b>	<b>\$ <u>6,723.97</u></b>

4. Plaintiff holds a lien for the total sum specified in Paragraph 3 above, superior in dignity to any claim or estate of the Defendants herein, upon the mortgaged property herein foreclosed, situate in Bay County, Florida, and described as follows:

**AS TO COUNTH**

**Unit Week 02\*X in Unit 2607, in LEGENDS EDGE CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 1919 at Page 323 in the Public Records of Bay County, Florida, and any amendments thereof.**

5. If the total sum with interest at the rate prescribed by law and all costs accrued 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

August 29 2013 at 11:00 a.m. Central time at  
www.bay.realforeclose.com in accordance with Chapter 45, Florida Statutes.

6. 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 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.**

7. 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. 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. If the Plaintiff is the successful bidder at the sale, Plaintiff's rights as such may be assigned to a third party and, in that event, the Clerk of the Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee upon application of Plaintiff and without further order of this Court.

8. 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, the total sum due Plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 12 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

9. If the Plaintiff is the purchaser at the sale, then, upon confirmation of the sale,

whether by the Clerk filing the Certificate of Title herein or by order of the Court ruling upon objections to the sale, the said Plaintiff may permanently withdraw from the court file the original mortgage, the original promissory note and the original assignments of mortgage, and the photocopies of same attached to the complaint shall hereafter be and stand in lieu thereof.

10. Nothing in this judgment shall preclude the Defendants, **DENNIS J. PITONYAK and LINDA B. PITONYAK** and **MARRIOTT RESORTS HOSPITALITY CORPORATION**, a South Carolina corporation, Management Agent on behalf of **LEGENDS EDGE CONDOMINIUM ASSOCIATION, INC.**, a Florida not for profit corporation, and All Owners as Agent, from petitioning this Court for any surplus which may exist after satisfying all moneys due Plaintiff.

11. On filing the Certificate of Sale, Defendants and all persons claiming under or against them since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at the sale shall be let into possession of the property.

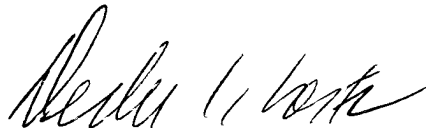
12. Plaintiff is seeking *in rem* relief to foreclose its lien on the property. The Defendant's personal liability for the debt has been discharged in bankruptcy. No deficiency judgment is sought in this action.

13. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, Writs of Possession.

14. This judgment shall bear interest at the rate of 4.75% and thereafter at the prevailing rate as provided for by Florida Statute.

**ORDERED** in chambers in Panama City, Bay County, Florida, this 25 day of

July, 2013.

  
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Honorable Dedee S. Costello  
Circuit Court Judge

**CONFORMED COPIES FURNISHED TO:**

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