

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

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

Plaintiff,

CASE NO.: 03-2011-CA-001851

vs.

DIVISION:

BRIAN W. SALYER; THE UNKNOWN SPOUSE OF BRIAN W. SALYER; SHERRY G. SALYER; THE UNKNOWN SPOUSE OF SHERRY G. SALYER; ORIGIN AT SEAHAVEN CONDOMINIUM ASSOCIATION, INC.; PNC BANK, N.A.; TOWNE OF SEAHAVEN OWNERS ASSOCIATION, INC.; 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, GRANTEES, OR OTHER CLAIMANTS; TENANT #1, TENANT #2, TENANT #3 and TENANT #4 the names being fictitious to account for parties in possession

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court at Trial on September 26, 2013. On the evidence presented,

IT IS ADJUDGED that:

1. The Plaintiff's Final Judgment is **GRANTED**. Service of process has been duly and regularly obtained over: Brian W. Salyer; Sherry G. Salyer; Origin at Seahaven Condominium Association, Inc.; PNC Bank, N.A.; and Towne of Seahaven Owners Association, Inc., defendants.

2. There is due and owing to the Plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$399,173.87
Interest on the note and mortgage from February 1, 2011 to September 26, 2013	\$67,481.88
Additional Costs:	
Pre-Accelerated Late Charges	\$ 390.24
Recording Fee	\$ 18.50
Escrow Advance	\$10,519.20

**GRAND TOTAL** **\$477,583.69**

3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

FILED  
2013 SEP 26 P 1:53  
BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

4. Plaintiff, whose address is c/o PNC Mortgage, 3232 Newmark Drive, Miamisburg, OH 45342, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the Plaintiff 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 or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and Section 720.3085. The Plaintiff's lien encumbers the subject property located in Bay County, Florida and described as:

**UNIT NO. 919/921 IN ORIGIN AT SEAHAVEN CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF INCLUDING THE EXHIBITS ANNEXED THERETO AND FORMING A PART THEREOF, RECORDED IN BOOK 2980, PAGE 1309, AS AMENDED FROM TIME TO TIME IN THE OFFICIAL RECORDS OF BAY COUNTY, FLORIDA. THE ABOVE DESCRIPTION INCLUDES BUT IS NOT LIMITED TO ALL APPURTENANCES TO THE CONDOMINIUM UNIT ABOVE DESCRIBED, INCLUDING THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS OF SAID CONDOMINIUM.**

**Property address: 15100 FRONT BCH RD, UNIT 919/921, PANAMA CITY BEACH, FL 32413-4520**

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale to the highest bidder on Nov. 26, 2013, at 11:00AM CST, 12:00PM EST, to the highest bidder for cash, except as prescribed in Paragraph 6, at [www.bay.realforeclose.com](http://www.bay.realforeclose.com), after having first given notice as required by Section 45.031, Florida Statutes.

6. Plaintiff shall advance all subsequent costs of this action in addition to any advances to protect its collateral 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. 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.

7. On filing of the Certificate of Sale, defendant's right of redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; 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. 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.

9. Upon filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.

10. **NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST. (2006).**

**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 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, BAY COUNTY CLERK OF COURT, ATTN: FORECLOSURE, 300 EAST 4TH STREET, PANAMA CITY, FL 32401, TO BYPASS MENU, PRESS 4 [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 THE 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 TELEPHONE: (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 FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

11. If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order of this court.
12. The Court finds that Plaintiff has standing to seek and receive the relief obtained herein.
13. Any funds payable from third party funds including attorney fees and costs shall be made payable to Plaintiff.
14. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, deficiency judgments.

**ORDERED** at Bay County, Florida on Sept 26, 20 13

  
Circuit Judge

KB-11-84459

Copies furnished to:

Albertelli Law

P.O. Box 23028

Tampa, FL 33623

eService: [servealaw@albertellilaw.com](mailto:servealaw@albertellilaw.com) ✓

Brian W. Salyer

5029 Robin Hood Dr

Ashland KY 41101-6837

Sherry G. Salyer

5029 Robin Hood Dr

Ashland KY 41101-6837

Origin at Seahaven Condominium Association, Inc.  
c/o John P. Townsend  
Becker & Poliakoff, P.A.  
348 Miracle Strip Parkway SW  
Paradise Village Suite 7  
Ft. Walton Beach, Florida 32548-5253  
E-Serve 1: jtowsen@becker-poliakoff.com ✓

PNC Bank, N.A.  
c/o Branch Manager  
1190 Ocean Shore Blvd  
Ormond Beach FL 32176-3730

Towne of Seahaven Owners Association, Inc.  
c/o Derrick Bennett  
Law Office of Derrick Bennett, P.A.  
15238 Front Beach Road  
Panama City Beach, Florida 32413  
E-Serve 1: derrick@derrickbennett.com ✓