

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

LANDMARK HOLIDAY BEACH RESORT
CONDOMINIUM ASSOCIATION, INC., a
Florida non-profit corporation,
Plaintiff,

CASE NO.: 12 2545 CA

vs.

WAYNE J. BERGERON JR; CARL L.
KOTKOWSKI and LOREE L. VAUGHN;
WADE H. ALFORD and JOYCE A. ALFORD;
DPS CONSULTING SERVICES, LLC, and
RICHARD A. HAMMOND and MARY LOU
HAMMOND, TRUSTEES OF THE
HAMMOND FAMILY TRUST DATED
APRIL 20, 2005; NATHAN A. SCOTT; CARL
F. BACON and DEBRA C. BACON; MARY
R. MCLEAN and DUSTY E. SIMMONS;
RONNIE J. LEAVENS and ALECIA J.
LEAVENS; W. LOUIS MCDONALD;
Defendants.

FILED
2014 MAR 24 P 3:47
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

FINAL DEFAULT JUDGMENT OF FORECLOSURE
(IN REM)

THIS CAUSE having come before the Court on Plaintiff's Motion for Final Default Judgment, the Court having considered the pleadings and proofs filed herein, that the Clerk of the Circuit Court has duly and regularly entered defaults against Defendants, **WAYNE J. BERGERON JR; CARL L. KOTKOWSKI and LOREE L. VAUGHN; WADE H. ALFORD and JOYCE A. ALFORD; DPS CONSULTING SERVICES, LLC, and RICHARD A. HAMMOND and MARY LOU HAMMOND, TRUSTEES OF THE HAMMOND FAMILY TRUST DATED APRIL 20, 2005; NATHAN A. SCOTT; CARL F. BACON and DEBRA C. BACON; MARY R. MCLEAN and DUSTY E. SIMMONS; RONNIE J. LEAVENS and ALECIA J. LEAVENS; W. LOUIS MCDONALD;** and that the Defendants have been provided notice upon this motion, and that the Plaintiff is entitled to such Judgment as a matter of law, it is hereby

ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion for Final Default Judgment of Foreclosure 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. Judgment against Defendants, **WAYNE J. BERGERON JR; CARL L. KOTKOWSKI and LOREE L. VAUGHN; WADE H. ALFORD and JOYCE A. ALFORD; DPS CONSULTING SERVICES, LLC, and RICHARD A. HAMMOND and MARY LOU HAMMOND, TRUSTEES OF THE HAMMOND FAMILY TRUST DATED APRIL 20, 2005; NATHAN A. SCOTT; CARL F. BACON and DEBRA C. BACON; MARY R. MCLEAN and DUSTY E. SIMMONS; RONNIE J. LEAVENS and ALECIA J. LEAVENS; W. LOUIS MCDONALD**, is hereby granted and entered against the Defendants in the amount of the lien, with the interest from Defendants' date of default, through the dates as specified in the Affidavit of Indebtedness, as set forth below, in connection with Plaintiff's lien encumbering the Assigned Week and Unit of LANDMARK HOLIDAY BEACH RESORT, identified in the following table and legally described in Paragraph 5 hereof:

<u>Defendant(s)</u>	<u>Unit/Week</u>	<u>Amount(s)</u>
WAYNE J. BERGERON JR	702/25	\$2,954.83
CARL L. KOTKOWSKI LOREE L. VAUGHN	201/38	\$2,483.28
CARL L. KOTKOWSKI LOREE L. VAUGHN	601/19	\$2,483.28
WADE H. ALFORD JOYCE A. ALFORD	201/52	\$4,311.49
DPS CONSULTING SERVICES, LLC RICHARD A. HAMMOND MARY LOU HAMMOND TRUSTEES OF THE HAMMOND FAMILY TRUST DATED APRIL 20, 2005	202/45	\$2,483.28
NATHAN A. SCOTT	204/08	\$2,241.41
CARL F. BACON DEBRA C. BACON	206/33	\$2,339.63
MARY R. MCLEAN DUSTY E. SIMMONS	209/14	\$2,242.61
RONNIE J. LEAVENS ALECIA J. LEAVENS	209/34	\$3,383.66
W. LOUIS MCDONALD	209/42	\$2,458.61
<u>TOTAL AMOUNT:</u>		<u>\$27,382.08</u>

4. This Final Default Judgment of Foreclosure and the amounts reflected above in no way constitute a personal judgment against any of the Defendants joined herein.

5. Plaintiff holds a lien for the sums specified in Paragraph 3 above, superior in dignity to any right, title, interest or claim of the Defendants herein, upon the Week(s) and Unit(s) identified for each of the Defendants herein foreclosed, all of which are situated in Bay County, Florida, and described as follows:

A fee interest in real property situated and located in Bay County, Florida and legally described as:

Assigned Unit Week No. 25,	in Assigned Unit No. 702
Assigned Unit Week No. 38,	in Assigned Unit No. 201
Assigned Unit Week No. 19,	in Assigned Unit No. 601
Assigned Unit Week No. 52,	in Assigned Unit No. 201
Assigned Unit Week No. 45,	in Assigned Unit No. 202
Assigned Unit Week No. 08,	in Assigned Unit No. 204
Assigned Unit Week No. 33,	in Assigned Unit No. 206
Assigned Unit Week No. 14,	in Assigned Unit No. 209
Assigned Unit Week No. 34,	in Assigned Unit No. 209
Assigned Unit Week No. 42,	in Assigned Unit No. 209

ALL in LANDMARK HOLIDAY BEACH RESORT, a Condominium, according to the Declaration of Condominium and exhibits thereof, recorded in Official Records Book 914, at Page 178, of the Public Records of Bay County, Florida, and any amendment(s) thereto, if any (the "Property").

including the building and appurtenances located therein, together with the fixtures situate therein and located thereon.

6. Pursuant to § 721.83 (3), Florida Statutes, Plaintiff shall only be charged and pay to the Clerk one (1) sale fee of \$70.00 for the public sale of all timeshare weeks and units described in this Final Default Judgment. The time share interest of all the defendants shall not be sold individually, but shall be sold in one batch. As a result of the sale, only one Certificate of Sale and one Certificate of Title shall issue, listing all the Assigned Weeks and Units identified herein.

7. If the aforesaid sums due the Plaintiff, plus interest thereon at 4.75% on the lien and all costs of this proceeding incurred subsequent to the date of this Judgment are not paid, the Clerk of this Court shall sell all of the aforesaid properties within thirty-five (35) days after the date of the judgment, on-line at 11:00 a.m., Central Time on May 8, 2014 at www.bay.realforeclose.com, to the highest bidder for cash, except as set forth below, in accordance with Florida Statute Section 45.031.

8. 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 properties at sale. If the Plaintiff shall be the purchaser at the sale, the Clerk shall credit the bid of Plaintiff against the sums herein found to be due the Plaintiff for each such property, together with interest and costs accruing subsequent to this judgment or such part thereof as may be necessary to pay in full the bid of the Plaintiff upon further Order of the Court.

9. After confirmation of the sale, whether confirmation by the Clerk filing the Certificate of Title or by Order of this Court ruling upon objections to that sale, the Clerk shall make distribution of the proceeds of the sale by paying the following:

(a) First, all costs and expenses of these proceedings and subsequent to the entry of this Judgment, including the cost of publishing the Notice of Sale and the Clerk's fee for making the sale;

(b) Second, the cost of the State Documentary stamps affixed to the Certificate of Title; and

(c) Third, the sums herein found to be due the Plaintiff less, the items paid, plus interest from this date to the date of the sale at the rate prescribed by law.

10. If the total amount realized on the sale exceeds the total of the sums ordered to be paid by paragraph 3 of this Judgment, the Clerk shall disburse the surplus as this Court shall hereafter direct. If the total amount realized shall not be sufficient to pay all these sums, the Clerk shall pay first those sums specified in Paragraph 9(a) and shall pay the balance to the Plaintiff.

11. Upon confirmation of sale, whether by the Clerk of the Court filing the Certificate of Title herein, or by Order of the Court ruling upon objections to the sale, the Defendants herein, and any and all persons claiming by, through, under or against any or all of the Defendants since the date of the filing of the Lis Pendens herein are forever barred and foreclosed of and from all right, title, interest, claim or demand of any kind or manner whatsoever in and to the properties hereinabove described, and the purchaser at the sale, his or her representatives or assigns, shall be let in to possession of said properties.

12. The Clerk of the Court is hereby directed to issue and record the Certificate of Title prepared by and submitted to the Clerk of the Court by Plaintiff prior to or at the time of the scheduled sale date.

13. The Court reserves jurisdiction of the parties and of this cause for the purpose of (a) hearing such motions as the Plaintiff may file for the issuance of a writ of possession, (b) determining the claims in and to any cash surplus that may be produced at the foreclosure sale, (c) granting such other relief as may be appropriate.

14. If Plaintiff is the successful bidder at the foreclosure sale it has the right to assign its bid by filing an Assignment of Bid naming the party to which the bid has been assigned. Should Plaintiff file an Assignment of Bid with the court, the Clerk of the Circuit Court is directed to issue the Certificate of Title in accordance with Plaintiff's Assignment of Bid without further Order of the Court.

15. The Plaintiff may cancel the sale upon written notice to the Clerk of the Court

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 DEFAULT 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 Chambers in Panama City, Bay County, Florida, this 24 day of

March 2014.


HONORABLE THOMAS R ELLINOR
CIRCUIT JUDGE

Copies Furnished to:
AMANDA L CHAPMAN, ESQUIRE
Florida Bar Number 176905
Email 1: tsforeclosure@gmlaw.com
Email 2: Sharon.Warner@gmlaw.com
Greenspoon, Marder, PA
201 East Pine Street Suite 500
Orlando, Florida 32801
407-425-6559 407-422-6583 (F)

AND

WAYNE J. BERGERON JR 5140 MOUNT MATTERHORN ST., MARRERO, LA 70072; CARL L. KOTKOWSKI and LOREE L. VAUGHN 5980 GUNSHOT PASS DR., COLORADO SPRINGS, CO 81917; WADE H. ALFORD and JOYCE A. ALFORD 132 MISSISSIPPI LOOP, JACKSONVILLE, AR 72076; DPS CONSULTING SERVICES, LLC 9801 FALL CREEK RD #340, INDIANAPOLIS, IN 46256, and RICHARD A. HAMMOND and MARY LOU HAMMOND, TRUSTEES OF THE HAMMOND FAMILY TRUST DATED APRIL 20, 2005 4470 NW 5TH COURT, OCALA, FL 34475; NATHAN A. SCOTT 6303 W. SHADY SHORE ROAD APT. #2, CORINTH, TX 76208-5535; CARL F. BACON and DEBRA C. BACON P.O. BOX 204, TAYLORVILLE, GA 30178; MARY R. MCLEAN and DUSTY E. SIMMONS 411 CAMELLIA CR, MONTGOMERY, AL 36109; RONNIE J. LEAVENS and ALECIA J. LEAVENS RT 4 BOX 12030, HAWKINSVILLE, GA 31036; W. LOUIS MCDONALD P.O. BOX 412, GATLINBURG, TN 37738

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