

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

HANCOCK BANK, a Mississippi banking corporation, as assignee of the Federal Deposit Insurance Corporation, as Receiver for Peoples First Community Bank, a Florida banking corporation,

Plaintiff,

v.

CASE NO.: 13-361CA

BROWARD L. MIXON a/k/a BROWARD L. MIXON II, a/k/a BROWARD LANIER "LANNY" MIXON, and CYNTHIA M. MIXON,

Defendants.

**FINAL SUMMARY JUDGMENT OF FORECLOSURE**

THIS CAUSE having come before the Court upon Plaintiff's Motion for Summary Judgment, and the Court having reviewed the Official File, and noting the sworn affidavits from Plaintiff, the evidence of proper service upon Defendants, and the contents of the Official File reflecting that Plaintiff is entitled to the requested relief as to Defendants, BROWARD L. MIXON a/k/a BROWARD L. MIXON, II, a/k/a BROWARD LANIER "LANNY" MIXON, deceased, and CYNTHIA M. MIXON, ("Borrowers") and that no affidavits in opposition to the Motion for Summary Judgment of Foreclosure and for Attorney's Fees and Costs have been filed, in addition to having heard the argument of counsel at a hearing held in Chambers on April 7, 2014, and accordingly finding that the Plaintiff is entitled to its requested relief of entry of a final summary judgment of foreclosure, it is therefore,

ORDERED AND ADJUDGED as follows:

1. Due and legal service of process has been made on all Defendants. The Defendants have either answered or been defaulted and as such, there is no issue of fact that precludes entry of judgment in favor of Hancock Bank.

2. All conditions precedent to acceleration of the debt evidenced by the Promissory Note and Mortgage and filing suit were met by Plaintiff. See Seligman v. Bisz, 167 So. 38 (Fla. 1936).

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BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

3. Plaintiff is entitled to an award of reasonable attorney's fees in the total amount of \$4,871.00; at a rate of \$260.00/hour or under for 21.8 attorney hours. In awarding same, the Court has considered all of the criteria set forth in Florida Patients' Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985).

4. Plaintiff is due the following from the Borrowers:

Principal	\$ 99,982.70
Interest at the Note Rate Through December 14, 2013	\$ 14,025.58
Default Interest through the date of this Judgment with a per diem of \$47.94	\$ 5,465.16
Late Fees	\$ 926.61
Title Search Expense	\$ 125.00

Attorney's Fees

McCalla Raymer, LLC	\$ 4,871.00
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Court Costs (itemize each here):

Clerk's Filing Fee	\$ 905.00
Statutory Convenience Fee	\$ 28.50
Summons	\$ 40.00
Recording Lis Pendens	\$ 9.00
Service of Process Fee (#of Defendants 4)	\$ 160.00

Other:

BPO Fees	\$ 395.00
Publication Costs (Notice of Sale)(Estimated)	\$ 300.00
Certified Mail	\$ 11.90

Making a **total sum** of **\$127,245.45**, that shall bear interest at the rate of 4.75% per year, or as otherwise prescribed by law, whichever is less.

5. The Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants on the following described property in Bay County, Florida:

**COMMENCE AT THE SE CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 15 WEST IN BAY COUNTY FLORIDA; THENCE N88°45'16"W FOR 658.52 FEET TO THE SW CORNER OF THE SE 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13; THENCE N00°34'56"E FOR 653.45 FEET TO THE NW CORNER OF THE SE 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13; THENCE N88°49'10"W FOR 658.05 FEET TO THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13, THENCE N00°37'25"E FOR 652.70 FEET TO THE NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 15 WEST; THENCE S89°26'23"E FOR 85.43 FEET TO A POINT ON THE EASTERLY R/W OF A PRIVATE ROAD AS DESCRIBED IN ORB 1207 PAGE 254 IN THE PUBLIC RECORDS OF**

**BAY COUNTY, FLORIDA; THENCE N44°49'35"W ALONG SAID R/W FOR 169.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N44°49'35"W FOR 153 FEET; THENCE N54°17'02"E FOR 1813.81 FEET TO THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 1 SOUTH RANGE 15 WEST; THENCE S49°27'31"W FOR 1795.95 FEET TO THE POINT OF BEGINNING.**

6. If the total sum with interest at the rate prescribed by law and all costs of this action accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the Property at a public sale to the highest bidder for cash, except as set forth hereinafter, on June 25, at 11:00 am Central Time at [www.bay.realforeclose.com](http://www.bay.realforeclose.com) in accordance with Chapter 45, Florida Statutes.

7. The Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if the Plaintiff is not the purchaser of the real property at the sale, provided, however, that the purchaser of the Property at the sale shall be responsible for the documentary stamps payable on the Certificate of Title. If the Plaintiff is the purchaser, the Clerk shall credit the 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.

8. Any sums expended by Plaintiff for Ad Valorem Taxes, Hazard Insurance or property preservation shall be credited to Plaintiff's bid. If Plaintiff is to include such sums in its bid, Plaintiff shall file an affidavit setting forth such expenditures.

9. 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, the Plaintiff's attorney's fees; fourth, the total sum due the Plaintiff, less the items paid, plus interest at the rate prescribed by law from this date to the date of the sale; and by retaining any amount remaining pending the further Order of this Court.

10. 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 forever be barred and foreclosed of any and all estate or claim in the Property, except as to claims or rights under Chapter 718 or Chapter 720, Florida Statutes, if any. Upon filing the Certificate of Title, the person named in the Certificate of Title shall without delay be let into possession of the property. If any person remains in possession of the Property,

the Clerk shall, upon order of the Court, issue forthwith a Writ of Possession for the premises located on the Property and the Sheriff is hereby authorized to serve the Writ of Possession forthwith after issuance of Certificate of Title upon request of the person named in the Certificate of Title.

11. Jurisdiction of this action is retained to enter further Orders as are proper including, without limitation, Writs of Possession and Deficiency Judgment.

12. That if Plaintiff should elect to assign its bid at sale, the assignment of bid shall be effective upon the filing of a Notice of Assignment of Bid or Motion and Order for Assignment of Bid and the Clerk of the above entitled Court is hereby directed to issue the Certificate of Title to such officer without further payment by such officer.

13. In accordance with HB65, Chapter 2006-175, Laws of Florida:

**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 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 BAY COUNTY CLERK OF THE COURT AT THE BAY COUNTY COURTHOUSE, AT 300 EAST 4<sup>TH</sup> STREET, PANAMA CITY, FLORIDA 32401, (850) 747-5116 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 OFFERED 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 ONE OF THE FOLLOWING AGENCIES TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES:**

**LEGAL SERVICES OF NORTH FLORIDA, INC. – PANAMA CITY OFFICE  
221 East 23rd Street, Suite B**

Panama City, Florida 32405  
(850) 769-3581  
WEB SITE: WWW.LSNF.ORG

**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 EITHER OF THE AGENCIES, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

14. Should this property be sold to a third party, the Clerk of Court is hereby directed to make the check for the amount due to Plaintiff payable to MCCALLA RAYMER, LLC.

15. The legal description of the Property described in the Mortgage at issue in this action is hereby reformed to the following:

**COMMENCE AT THE SE CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 15 WEST IN BAY COUNTY FLORIDA; THENCE N88°45'16"W FOR 658.52 FEET TO THE SW CORNER OF THE SE 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13; THENCE N00°34'56"E FOR 653.45 FEET TO THE NW CORNER OF THE SE 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13; THENCE N88°49'10"W FOR 658.05 FEET TO THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13, THENCE N00°37'25"E FOR 652.70 FEET TO THE NE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 15 WEST; THENCE S89°26'23"E FOR 85.43 FEET TO A POINT ON THE EASTERLY R/W OF A PRIVATE ROAD AS DESCRIBED IN ORB 1207 PAGE 254 IN THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE N44°49'35"W ALONG SAID R/W FOR 169.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N44°49'35"W FOR 153 FEET; THENCE N54°17'02"E FOR 1813.81 FEET TO THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 1 SOUTH RANGE 15 WEST; THENCE S49°27'31"W FOR 1795.95 FEET TO THE POINT OF BEGINNING.**

DONE AND ORDERED in Chambers in Bay County, Florida, this 7 day of April,  
2014.

  
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Honorable Deedee Costello  
S,

cc: Kathy Stephens, Hancock Bank  
Eric A. Krebs, Esq.  
Nancy Jones Gaglio, Esq.