

IN THE CIRCUIT COURT FOR THE FOURTEENTH CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

GREEN TREE SERVICING LLC
345 St. Peter Street
1100 Landmark Towers
St. Paul, MN 55102

CASE NO: 13-001880-CA

Plaintiff(s)

vs.

BELINDA SUE MACMONIGAL, ALLEN
CHARLES MACMONIGAL, THE
UNKNOWN SPOUSE OF ALLEN
CHARLES MACMONIGAL, n/k/a JENNA
MACMONIGAL, BAY COUNTY BOARD
OF COMMISSIONERS, BAY COUNTY,
FLORIDA,

Defendant(s)

FILED
2014 MAY 14 A 8 44
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

FINAL SUMMARY JUDGMENT OF FORECLOSURE

THIS CAUSE came before the Court for hearing on May 14, 2014, upon Plaintiff's Motion for Final Summary Judgment to Reform Deed and Foreclose Mortgage. Having reviewed the instant Motion and the supporting affidavits and the court file, having heard argument of counsel, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that:

1. The Court has jurisdiction of the subject matter and the parties of this cause.
2. There are no genuine issues of material fact.

Plaintiff's Motion For Final Summary Judgment of Foreclosure **GRANTED**.

3. Plaintiff is entitled to an award of reasonable attorney's fees in the total amount of \$2,500.00 at the rate of \$250.00/hour for 10.0 total 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, Green Tree Servicing LLC, whose address is 345 St. Peter Street, 1100 Landmark Towers, St. Paul, Minnesota 55102, is due:

Principal Balance:	\$	94,938.77
Accrued interest through March 28, 2014, (per diem \$16.26):	\$	6,867.26
Accrued interest from March 28, 2014 Through May 14, 2014 (per diem \$16.26)	\$	764.22
Late Charges:	\$	126.64
Beginning Escrow Amount:	\$	658.38
Insurance:	\$	-2,942.11
County taxes:	\$	-410.76
Negative True Escrow Balance:	\$	2,694.49
Unapplied Funds Balance:	\$	-7.10
Payoff Subtotal:		\$ 105,384.28
Attorney's Costs:		
Filing fee and Lis Pendens Recording fee:	\$	1,018.37
Title Search and Examination fee:	\$	200.00
Service of Process:	\$	830.00
Attorney's Costs Total:		\$ 2,048.37
Attorney's Fees:		
Attorney's Fee for Reforming Deed:	\$	150.00
Review of Answer of Bay County for Treatment and response:	\$	100.00
Attorney Fee for Foreclosure Case:	\$	2,250.00
Attorney Fee Total:		\$ 2,500.00
Total Due:		\$ 109,932.65

making a **total sum of \$109,932.65**, that shall bear interest at the rate of 4.75% per year, or as otherwise prescribed by law, whichever is less.

5. Plaintiff holds a lien for the total sum superior to any claim or estate of Defendant on the following property in Bay County, Florida, commonly known as 534 N 9th STREET, PANAMA CITY, FL 32404, and legally described as the legal description set forth and incorporated herein to wit:

LOT 10, BLOCK 4, MASHBURN AND GILBERT'S 1ST ADDITION TO LAKE DRIVE HEIGHTS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 76 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

6. If the sum with interest at the rate described in paragraph 6 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on June 30, 2014, at 11:00 a.m. (Central Time), or as soon thereafter as the sale may proceed, to the highest bidder for cash, except as prescribed in paragraph 8, in an on line sale at www.bay.realforeclose.com, in accordance with section 45.031, Florida Statutes.

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 cost accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

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, plaintiff's attorney's fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

9. On filing 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, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property. If any Defendant remains in possession of the property, the clerk shall with further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of title.

10. 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 of Court no later than 60 days after the sale. If you fail to file a claim, you will not be entitled to any remaining funds.

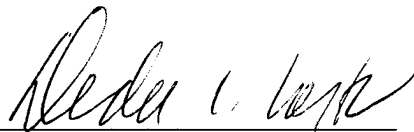
11. If you are the property owner, you may claim these funds yourself. You are not required to have a lawyer or any other representation and you do not have to assign your rights to anyone else in order for you to claim any money to which you are entitled. Please check with the Clerk of the Court at Clerk of Court, Bay County Courthouse, 300 East 4th Street Panama City, Florida, Bay County, Florida (850) 769-3581, within 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.

12. 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. (850) 862-3279, in your area, 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 Legal Services of North Florida, Inc. for assistance, you should do so as soon as possible after receipt of this notice.

13. The Plaintiff may assign the Judgment or the bid to a third party without further order of the Court.

14. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, *only against Belinda Sue MacMonigal.*

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida, this 14 day of May, 2014.



Honorable ~~Dede~~ Costello
Circuit Judge *Dedee S.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Summary Judgment of Foreclosure has been furnished to the following:

Timothy D. Padgett, Esq.
Timothy D. Padgett, P.A.
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
attorney@padgettlaw.net
Counsel for Plaintiff

Belinda Sue MacMonigal
770 Shadow Bay Drive
Panama City, FL 32404-2524

Allen Charles MacMonigal
2505 W 10th Street, Apt. C
Panama City, FL 32401

The Unknown Spouse of Allen Charles MacMonigal
n/k/a Jenna MacMonigal
2505 W 10th Street, Apt. C
Panama City, FL 32401

Bay County Board of Commissioners
Bay County, Florida
840 West 11th Street
Panama City, FL 32401

by regular U.S. mail this _____ day of _____, 2014.

Clerk of Court

BY: _____
Deputy Clerk