

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

CIVIL DIVISION

CASE NO. 14-757-CA

WHITNEY BANK, a Mississippi state
chartered bank, formerly known as
HANCOCK BANK , a Mississippi state
chartered bank, as assignee of the FDIC
as Receiver for Peoples First Community
Bank, a Florida banking corporation,

Plaintiff,

v.

SANDEE GENTILE, CARMEN GENTILE;
and UNKNOWN TENANTS IN POSSESSION 1 & 2;

Defendants.

FILED
2014 NOV 25 A 11:13
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

FINAL JUDGMENT OF FORECLOSURE

This cause came before the Court on plaintiff Whitney Bank's motion for final judgment of foreclosure against Defendants Sandee Gentile and Carmen Gentile (collectively referred to as "Defendants"). Upon consideration of the papers, pleadings, affidavits, and other documents on file, the Court:

1. GRANTS the motion in favor of Whitney Bank and enters this Final Judgment of Foreclosure. This court has jurisdiction of the subject matter hereof and the parties hereto. The equities of this action are with the plaintiff. The plaintiff has a lien on the property by virtue of its mortgage on the property.

2. Adjudges that defendant Sandee Gentile, whose address is 1648 Acre Circle, Panama City Beach, Florida 32407 owes Whitney Bank, whose address is 1022 West 23rd Street, Panama City, Florida 32405, the following sums:

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a)	Principal:	\$	26,681.36
b)	Interest at Note Rate 2.875% through November 24, 2014 with a per diem of \$2.10:	\$	754.31
c)	Late Charges:	\$	139.28
d)	Escrow Account Overdraft:	\$	908.14
e)	<u>Appraisal Fees:</u>	<u>\$</u>	<u>350.00</u>
f)	<u>Suspense Balance:</u>	<u>\$</u>	<u>(1,656.66)</u>
g)	Attorney's Fees:	\$	3,500.00
h)	Costs:	\$	1,855.00
	Total due as of November 24, 2014:	\$	32,531.43

3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest. Plaintiff Whitney Bank, holds a lien for the grand total specified in Paragraph 2 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim 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. The plaintiff's lien encumbers the subject property located in Bay County, Florida and described as:

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Parcel 1: Commence at the Southeast Corner of the North Half of the Southwest Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 15 West, Bay County, Florida; thence run South 00°01'29" West along the East line of said Southwest Quarter of the Northeast Quarter for 95.00 feet; thence South 89°59'53" West, 263.60 feet to the Point of Beginning; thence continue South 89°59'53" West, 45.00 feet; thence North 00°01'29" East, 85.00 feet; thence North 89°59'53" East, 45.00 feet; thence South 00°01'29" West, 85.00 feet to the Point of Beginning. SUBJECT TO a 10 foot wide strip along the North line thereof reserved to the Homeowner's Association. ALSO SUBJECT TO a 15 foot drainage easement along the South line thereof and SUBJECT TO a 7 foot sanitary sewer easement.

Parcel 2: Lot 11, in Block "10" of Holiday Beach Unit Fourteen, a subdivision of Section 8, Township 4 South, Range 15 West, as per plat recorded in Plat Book 11, Page 20, in the Public Records of Bay County, Florida.

4. 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 shall sell the property at public sale to the highest bidder for cash, except as set forth hereinafter, on April 27, 2015, 2015 at 11:00 am at www.bay.realforeclose.com in accordance with Chapter 45 Florida Statutes. The clerk shall not conduct the sale in the absence of the plaintiff or its representative.

5. Plaintiff shall advance the subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property at the 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.

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6. On filing the certificate of sale, any defendant's right of redemption as prescribed by Florida Statutes §45.0315, shall be terminated.

7. On filing the certificate of title, the clerk shall distribute the proceeds of 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; and fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 3 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.

8. On filing the certificate of title, defendants and all persons claiming under or against defendants 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.

9. The court finds that the hours reflected in the affidavits submitted were reasonably expended by plaintiff's counsel in connection with prosecuting the claim and that an hourly rate of \$230.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The court finds that there are no reduction or enhancement factors for consideration by the court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

10. NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. STAT. (2006): IF THE 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.

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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, 300 E 4th STREET, PANAMA CITY, FL 32401 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 ST., PANAMA CITY, FLORIDA 32401, PHONE: (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

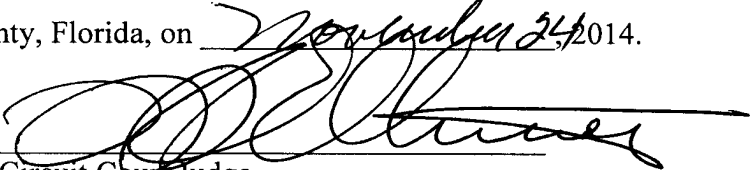
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SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT LEGAL SERVICES OF NORTH FLORIDA, INC. FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

11. Plaintiff may assign the judgment and credit bid by the filing of an assignment without further order of the court.

12. The court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments and re-foreclosure.

ORDERED in chambers at Bay County, Florida, on November 24 2014.


Circuit Court Judge

Copies furnished to:

Michael Anthony Shaw, Esq.
Jones Walker LLP
201 South Biscayne Boulevard
Suite 2600
Miami, Florida 33131
miamiservice@joneswalker.com

Sandee Gentile
1648 Acre Circle
Panama City Beach, FL 32407

Carmen Gentile
122 Hadden Avenue
West Berlin, NJ 08091