

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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST,
Plaintiff,

vs.

CASE NO: 15001443CA

WAYNE A. RANDALL A/K/A WAYNE
RANDALL; MARIA C. RANDALL A/K/A
MARIA RANDALL; KEYBANK, N.A.;
UNKNOWN TENANT IN POSSESSION 1,
Defendants.

FILED
2016 NOV 10 P 3:14
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on the Plaintiff's Motion for Summary Final Judgment on October 28, 2016. On the evidence presented, **IT IS ORDERED AND ADJUDGED** that:

1. The Final Judgment of Foreclosure is **GRANTED**. Service of process has been duly and regularly obtained over Defendants: WAYNE A. RANDALL A/K/A WAYNERANDALL; MARIA C. RANDALL A/K/A MARIA RANDALL; KEYBANK, N.A.; and UNKNOWN TENANT IN POSSESSION 1
2. **Amounts Due.** There is due and owing the Plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$ 177,157.19
Interest on the note and mortgage from 03/30/16 to 07/20/16	\$ 3,865.32
Per diem interest at \$34.51 from 07/20/16 to 10/28/16	\$ 3,485.51
Deferred Mod Int.	\$ 42,637.68
Force placed insurance balance	\$ 97.19
Hazard Insurance	\$ 1,933.00
Pre-Acceleration Late Charges	\$ 0.00
SUBTOTAL	\$ 229,175.89

Additional Costs:

Property inspection	\$ 257.46
Title Search	\$ 420.00
Foreclosure Filing Fee	\$ 963.00
Simplifile AOM Recording	\$ 24.00
Service of Process	\$ 380.00
SUBTOTAL	\$ 231,220.35

Attorney fees based upon flat fee

\$ 2,800.00

GRAND TOTAL

\$ 234,020.35

3. **Interest.** The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.
4. **Lien on Property.** Plaintiff, whose address is 13801 Wireless Way, Oklahoma City, OK 73134, 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 720.3085. The plaintiff's lien is determined to be a first mortgage lien. The plaintiff's lien encumbers the subject property located in Bay County, Florida and described as:

LOT 4, BLOCK A, GRIMES CALLAWAY BAYOU ESTATES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 34 AND 35, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

Property Address: 207 HUGH THOMAS DR., PANAMA CITY, FL 32404

5. **Sale of Property.** 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 Court shall sell the subject property at public sale on February 28, 2017, at 11:00 A.M. to the highest bidder for cash, except as prescribed in Paragraph 6, at www.bay.realforeclose.com after having first given notice as required by Section 45.031, Florida Statutes.
6. **Costs.** 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 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 charged 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. **Right of Redemption.** On filing of the Certificate of Sale, Defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.
8. **Distribution of Proceeds.** 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. Plaintiff without further order of the Court shall be permitted to file an Assignment of Bid prior to the sale in the instant action.

9. **Right of Possession.** 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. **Attorney Fees.** The Court finds, based upon testimony presented and upon inquiry of counsel for the plaintiff, that the attorney's fee sought by Plaintiff's counsel in this matter is reasonable based on the number of hours worked and the customary hourly rate for such services in this jurisdiction. 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).
11. **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 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 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 EAST 4TH STREET, PANAMA CITY, FLORIDA 32401 (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.

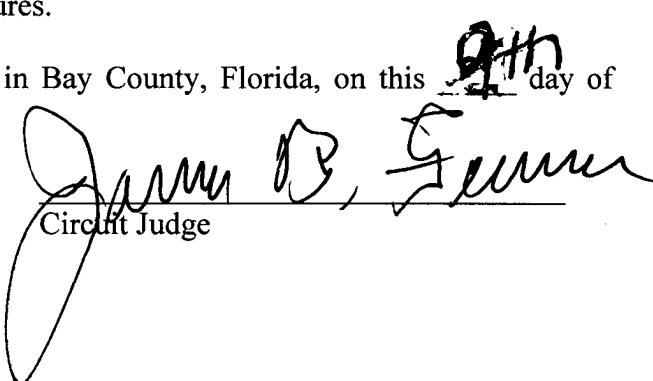
IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERING YOUR

PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL SERVICE OF NORTH FLORIDA, 211 EAST 11TH STREET, PANAMA CITY, FLORIDA 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 THE CHARLOTTE LEGAL AID, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments, supplemental complaints, and re-foreclosures.

DONE AND ORDERED in Chambers in Bay County, Florida, on this 9th day of ~~October~~, 2016.

November


Circuit Judge

Copies furnished to all parties:

✓ **MARK W HERNANDEZ, ESQ.**
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