

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

CASE NO. 03-2012-CA-002179

2010-3 SFR VENTURE, LLC,

Plaintiff,

vs.

CHARLES A. PRATHER A/K/A C ALAN
PRATHER A/K/A CHARLES ALAN
PRATHER, BETH A. PRATHER A/K/A
BETH A. HONCHELLA/K/A BETH
PRATHER, EDWARD C. WHITE, DUNES
OF PANAMA PHASE V ASSOCIATION,
INC., UNKNOWN TENANT IN
POSSESSION #1, UNKNOWN TENANT
IN POSSESSION #2, UNKNOWN
TENANT IN POSSESSION OF LOT 1 #1,
UNKNOWN TENANT IN POSSESSION
OF LOT 7 #2, UNKNOWN TENANT IN
POSSESSION OF LOT 8#1, UNKNOWN
TENANT IN POSSESSION OF LOT 8 #2,
PEOPLES FIRST COMMUNITY BANK,

Defendants.

FILED
2016 DEC -6 P 3 59
BILL KINSAUL
CLERK OF COURT
BAY COUNTY, FLORIDA

CONSENT SUMMARY FINAL JUDGMENT OF FORECLOSURE

THIS ACTION came before the Court on Plaintiff's Motion for Summary Final Judgment of Foreclosure and Taxation of Attorneys Fees and Costs on November 29, 2016. The Court, based on the state of the record at the time of the hearing and reviewing the stipulated agreement between the parties, finds for the Plaintiff. It is therefore:

ORDERED AND ADJUDGED that:

1. This Court has jurisdiction of foreclosure cases pursuant to Florida Statutes. Service of process has been secured upon all parties.

2. Plaintiff holds a lien for the total sum in this Final Judgment, which is superior and prior to the right, title interest, claims of lien, encumbrances and equities of the following Defendants: CHARLES A. PRATHER A/K/A C ALAN PRATHER A/K/A CHARLES ALAN PRATHER, BETH A. PRATHER A/K/A BETH A. HONCHELLA/K/A BETH PRATHER, EDWARD C. WHITE, DUNES OF PANAMA PHASE V ASSOCIATION, INC., UNKNOWN TENANT IN POSSESSION #1, UNKNOWN TENANT IN POSSESSION #2, UNKNOWN TENANT IN POSSESSION OF LOT 1 #1, UNKNOWN TENANT IN POSSESSION OF LOT 7 #2, UNKNOWN TENANT IN POSSESSION OF LOT 8#1, UNKNOWN TENANT IN POSSESSION OF LOT 8 #2, PEOPLES FIRST COMMUNITY BANK, and all others claiming through or on behalf of said defendants, on the following real properties:

That certain unit composed of dwelling Unit Number E-301, together with Garage Unit Number G-1, and the undivided interest in the common elements appurtenant thereto, all in accordance with, and subject to, the Covenants, Restrictions, Reservations, Limitations, Conditions, Liens, Easements, Terms and other Provisions of the Declaration of Condominium of Dunes of Panama Phase V, a Condominium, and the Exhibits attached hereto, all as recorded among the current Public Records of Bay County, Florida, in Official Records Book 1015, Pages 1886 through 1996-A, inclusive, and Amendments related thereto recorded in Official Records Book 1124, Page 1831, and Official Records Book 1306, Page 600.

a/k/a 7205 Thomas Drive, Unit E301, Panama City Beach, FL 32408

as well as:

Lot 8, Block A, of Gap Cove Estates, according to the plat thereof as recorded in Plat Book 3, Page(s) 185, of the Public Records of Washington County, Florida.

a/k/a 4107 Paragon Place and Lot 8, Block A, Gap Cove Estates, Sunny Hills, Florida.

as well as:

Lot 7, Block A, of Gap Cove Estates, according to the plat thereof as recorded in Plat Book 3, Page(s) 185, of the Public Records of Washington County, Florida.

a/k/a 4107 Paragon Place and Lot 7, Block A, Gap Cove Estates, Sunny Hills, Florida.

3. Plaintiff, 2010-3 SFR VENTURE, LLC, C/O 5016 Parkway Plaza Blvd., Suite 200, Charlotte, NC 28217 (servicer's address), is due the following:

Principal	\$513,596.13
Interest from 01/02/2012 to 11/30/2016 @ 7.25% (per diem: \$102.02)	\$182,995.11
Taxes and Insurance	\$13,538.71
Late Charges	\$1,116.55
Property Inspections	\$980.00
BPO Fees	\$1,300.00
Court costs, now taxed	\$2,030.50
Service Fees	\$1,200.85
Title search expense	\$1,550.00
Attorneys' fees total:	\$20,000.00
SUBTOTAL	\$738,307.85
<u>Credits</u>	(\$336.70)
TOTAL	\$737,971.15

Said total shall bear interest at the rate of 4.91% a year.

4. This is an IN REM judgment against Charles A. Prather a/k/a C Alan Prather a/k/a Charles Alan Prather and Beth A. Prather a/k/a Beth A. Honchell as record title owners of the

real property herein described. All other Defendants' interests are in the form of inferior liens to Plaintiff's note and mortgage. As such, said liens are extinguished subject to any statutory right of redemption as outlined further in this final judgment.

5. If the total sum with interest at the rate described in paragraph 3 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property within 45 days of the at public sale on January 20, 2017, at 11:00 AM to the highest bidder for cash, except as prescribed in paragraph 6, at 11:00 AM electronically at www.bay.realforeclose.com in accordance with section 45.031, Florida Statutes.

6. 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, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. 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.

7. 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 attorneys' fees; fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 3 from the date of this judgment to the date of the sale; and by retaining any remaining amount pending the further Order of this court.

8. On filing the Certificate of Sale, Defendant(s) and all persons claiming under or against Defendant(s) 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 718.116, 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 not, without further Order of the court, issue forthwith a writ of possession upon request of the person named on the Certificate of Title.

9. The right of redemption of any Defendant is terminated upon the issuance of the

Certificate of Sale by the clerk of court pursuant to the provisions of Florida Statutes 45.0315.

10. The Court retains jurisdiction of this action to enter further Orders that are proper including, without limitation, writs of possession and re-foreclosure of omitted parties and to determine the amount of assessments due pursuant to Florida Statutes 718.116, if applicable.

11. In the event the instant case is dismissed by the Plaintiff, the Clerk of Court is hereby directed to release any original loan documents filed with the Court to counsel of record for Plaintiff.

12. Plaintiff is waiving any rights it may have to any deficiency under the subject Note and Mortgage.

13. Pursuant to the stipulated agreement between the parties, the sale date shall be set within 45 days from the date of the final judgment.

14. As to the property located at:

Lot 8, Block A, of Gap Cove Estates, according to the plat thereof as recorded in Plat Book 3, Page(s) 185, of the Public Records of Washington County, Florida.
a/k/a 4107 Paragon Place and Lot 8, Block A, Gap Cove Estates, Sunny Hills, Florida.

is not superior to the mortgage of the Defendant, Edward C. White, recorded in Official Records Book 482 Page 231 of the Public Records of Washington County, Florida, and any judgment entered into herein will be inferior to that mortgage. Edward C. White claims no lien on the Bay County property.

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 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 FOR BAY COUNTY, TELEPHONE NUMBER (850)763-9061, 300 EAST FOURTH 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 BAY COUNTY LEGAL AID, 211 E. 11TH STREET, SUITE B, PANAMA CITY, FL 32405, (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 FLORIDA RURAL LEGAL SERVICE FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Bay County, Florida, this 6 day of December 2016.


CIRCUIT JUDGE

Copies to parties on the attached service list.

SERVICE LIST

mailed

✓ McCalla Raymer Pierce, LLC
225 E. Robinson ST. Suite 155
Orlando, FL 32801
mrservice@mrpllc.com

✓ Peoples First Community Bank
2305 Hwy 77
Panama City, FL 32405

✓ Jack G. Williams, Esq.(Counsel of Dunes of Panama Phase V Association, Inc.)
502 Harmon Avenue (32401)
Post Office Box 2176
Panama City, FL 32402
williamspclaw@gmail.com
mkelly1219@aol.com

✓ Mitch Dever, Esquire(Counsel of Charles A. Prather a/k/a C Alan Prather a/k/a Charles Alan
Prather & Beth A. Prather a/k/a Beth A. Honchell a/k/a Beth Prather)
Mitch Dever, P.A.
400 Thomas Drive
Panama City Beach, FL 32417
mitchdever@comcast.net