

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

FILED

2017 JAN -3 P 12:53

Case No.: 14-001365-CA  
Division:

BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

USAA FEDERAL SAVINGS BANK

Plaintiff,

vs.

DAVID R. BARWINSKI,  
UNKNOWN SPOUSE OF DAVID R.  
BARWINSKI N/K/A HAZEL  
BARWINSKI, AND UNKNOWN  
TENANTS/OWNERS,

Defendants.

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**FINAL JUDGMENT OF FORECLOSURE**

**THIS CAUSE** came before the Court on Plaintiff's Motion for Summary Judgment on January 3, 2017. Upon the pleadings, motions and affidavits filed herein, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. Final judgment is entered for Plaintiff, USAA FEDERAL SAVINGS BANK, against Defendant(s): DAVID R. BARWINSKI; UNKNOWN SPOUSE OF DAVID R. BARWINSKI N/K/A HAZEL BARWINSKI.

2. **Amounts Due and Owing.** Plaintiff, USAA FEDERAL SAVINGS BANK, is due:

Principal	\$100,000.00
Accrued interest 11/01/2012 to 5/18/2016	\$3,199.07
Per diem interest	\$0.00
Pre Accelerated Late Charges	\$90.00
<u>Title Search</u>	<u>\$325.00</u>

Title Update	\$0.00
Property Taxes	\$0.00
Hazard Insurance	\$3,526.16
Attorneys' Fees:	
Finding as to reasonable number of hours 10	
Finding as to reasonable hourly rate\$84.00	
Other* _____	
Attorneys' Fees Total	\$840.00

\* (The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)

**Court Costs:**

Filing Fee	\$0.00
Service of Process	\$0.00
Recording Fee	\$0.00
<b>SUBTOTAL</b>	<b>\$107,980.23</b>

**Additional Costs:**

Property Inspections	\$0.00
<b>SUBTOTAL</b>	<b>\$107,980.23</b>
Escrow Credit	\$0.00
<b>GRAND TOTAL</b>	<b>\$107,980.23</b>

3. **Interest.** The grand total amount referenced in paragraph 2 shall bear interest from this date forward at the prevailing statutory legal rate of interest, which is presently 4.91% per year.

4. **Lien on Property.** Plaintiff, whose address is 10750 McDermott Freeway, San Antonio, TX, 78288, holds a lien for the grand total sum superior to all claims or estates of the Defendant(s) on the following described property in Bay County, Florida:

LOT 1, BLOCK B, LORRAINE ESTATES, A SUBDIVISION AS PER PLAT

THEREOF RECORDED IN PLAT BOOK 12 AT PAGE 10 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

Property address: 164 LAUREN LN GAINESVILLE, FL .

5. **Sale of Property.** If the grand 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 at public sale on February 10, 2017 at 11:00 A.M. to the highest bidder for cash, except as prescribed in paragraph 6, in accordance with section 45.031, Florida Statutes. Sales are held on-line at [www.bay.realforeclose.com](http://www.bay.realforeclose.com). The sale shall not be cancelled without court order.

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, provided, however, that the purchaser of the property for sale shall be responsible for documentary stamps affixed to the certificate of title. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the grand 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. **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 Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

8. **Right of Possession.** On the filing of 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 or Chapter 720, Fla. Stat., if any. Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

9. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including without limitation, orders authorizing writs of possession; an award of additional attorney's fees; to enter a deficiency judgment against those parties who may be personally liable and not discharged in bankruptcy, except as may otherwise be provided in this judgment; to enter a reforeclosure judgment/order to correct errors or omissions in this foreclosure action; or to determine the amounts due any association under §718.116 or §720.3085.

The Court also reserves jurisdiction so that in the event additional sums are expended by Plaintiff to protect its interest in the property after entry of this judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs, Plaintiff may file an affidavit setting forth such expenditures and the Court may enter an order awarding Plaintiff the amount expended and add it to the grand total amount due under this final judgment, or if the property has been redeemed by payment of the judgment the Court can enter a new foreclosure judgment for the amount expended.

**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.**

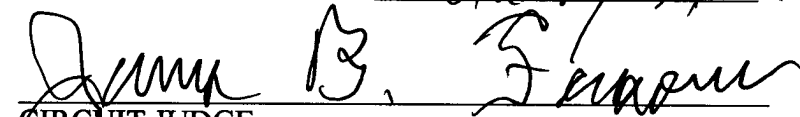
**IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**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 E. 4TH STREET P.O. BOX 2269, PANAMA CITY, FLORIDA (TELEPHONE: 850-747-5102), 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.**

**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.-Panama City-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 Legal Services of North Florida, Inc.-Panama City-850-769-3581, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE AND ORDERED** in Bay County, Florida, on January 3, 2017

  
CIRCUIT JUDGE

Conformed Copy furnished to:

Jennifer M. Scott ✓  
Kass Shuler, P.A. ✓  
1505 N. Florida Ave.  
Tampa, FL 33602-2613  
Attorney for Plaintiff

UNKNOWN SPOUSE OF DAVID R.  
BARWINSKI N/K/A HAZEL BARWINSKI ✓  
8112 NW 51<sup>ST</sup> ST  
GAINESVILLE, FL 32653

DAVID R. BARWINSKI ✓  
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