

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

JOHN H. ATZBERGER,
a/k/a JOHN T. ATZBERGER,

Plaintiff,

v.

CASE NO. 17-992-CA

JENNIFER L. WICKLAND,

Defendant.

FINAL JUDGMENT OF FORECLOSURE

THIS MATTER was heard before the Court on the Motion for Summary Judgment of Foreclosure of the Plaintiff, John H. Atzberger, a/k/a John T. Atzberger. After consideration of all evidence presented, this Court rules as follows:

IT IS ADJUDGED that:

1. **Amounts Due.** Plaintiff, the Plaintiff, John H. Atzberger, a/k/a John T. Atzberger, whose address is 120 Jeanette Ave, Panama City Beach, FL 32413, is due:

Principal:	\$ 177,534.40
Interest to date of hearing:	\$ 103,660.57
Late Fees:	\$ 3,396.40
Taxes and Insurance:	\$ 0.00
Attorneys' Fees Total:	\$ 5,200.00
Court costs, now taxed:	\$ 1,035.00
Other:	\$ 0.00
LESS: Other:	\$
LESS: Escrow balance:	\$

TOTAL: \$ 290,826.37

that shall bear interest at the statutory rate (presently 5.35%) per year.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described real property in Bay County, Florida:

Lot 3, Block C, Meadowbrook Estates, according to the plat thereof on file in the Office of the Clerk of the Circuit Court of Bay County, Florida, in Plat Book 10, Page 66.

3. **Sale of Property.** If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the Clerk of Court shall sell the Property at public sale on the 12 day of March, 2018, to the highest bidder for cash, except as prescribed in paragraph 4, at the Bay County Courthouse, 300 East 4th Street, Panama City, FL 32401, in accordance with Section 45.031, Florida Statutes, using the following method (CHECK ONE):

☐ At the Bay County Courthouse, 300 East 4th Street, Panama City, FL 32401, beginning at 11:00 a.m. Central Time on the prescribed date; or

☐ By electronic sale beginning at 11:00 a.m. Central Time on the prescribed date via the internet at www.bay.realforeclose.com.

4. **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, 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.

5. **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 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 1 from this date

to the date of the sale; and by retaining any amount remaining pending the further order of this Court.

6. **Right of Redemption/Right of Possession.** 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 and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes shall be terminated, 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.

7. **Attorney's Fees.** The court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the plaintiff that 16 hours were reasonably expended by plaintiff's counsel Douglas L. Smith and that an hourly rate of \$ 325⁰⁰ is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to *Florida Patients Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).

8. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment and Writ of Possession.

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 THE FINAL JUDGMENT.

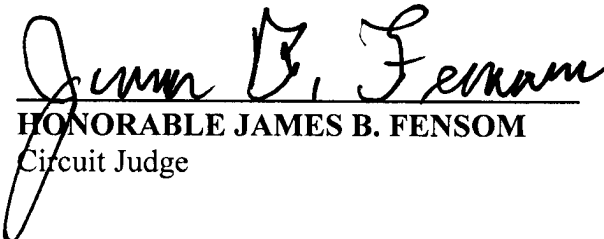
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OF ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY WHICH YOUR ARE

ENTITLED. PLEASE CHECK WITH THE BAY COUNTY CLERK OF COURT, 300 EAST 4TH STREET, PANAMA CITY, FLORIDA 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 YOUR 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 OFFICE, 211 E. 11TH STREET, PANAMA CITY, FLORIDA 32401, (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 OFFICE, 211 E. 11TH STREET, PANAMA CITY, FLORIDA 32401, (850) 769-3581, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Panama City, Bay County, Florida, this 29 day of January , 2018.


HONORABLE JAMES B. FENSOM
Circuit Judge

Copies to:

Douglas L. Smith, Esq. dsmith@burkeblue.com ; jbomar@burkeblue.com ✓
✓ Jennifer Wickland , 223 South Gay Ave, Panama City, FL 32404

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