

Filing # 73260317 E-Filed 06/07/2018 04:43:48 PM

IN THE CIRCUIT COURT IN AND FOR BAY COUNTY, FLORIDA

TRUSTMARK NATIONAL BANK,

Plaintiff,

Case No.: 2016 CA 001042

v.

PRODIGAL SON INVESTMENTS, INC. f/k/a
METALPRO INDUSTRIES, INC.; and
FIRST NBC BANK;

Defendants.

FINAL JUDGMENT OF FORECLOSURE IN REM ONLY

This matter is before the Court on stipulation of the parties and the Court having considered the pleadings of record and being fully advised in the premises, it is

ORDERED AND ADJUDGED that:

1. Plaintiff, Trustmark National Bank, 144 Harrison Ave., Panama City, FL 32401, is due the following:

Principal	\$1,967,180.98
Interest through 2/5/18 ¹	\$173,609.65
Late fees	\$29,120.16
Phase I & II Environmental Studies	\$6,600.00
Attorneys' fees	\$14,000.00
Court Costs	\$3,560.00
TOTAL AMOUNT OF JUDGMENT	\$2,194,070.79

that shall bear interest from this date until the judgment is paid at the rate prescribed by Section 55.03, Florida Statutes.

¹ Interest continues to accrue at the rate of \$245.90 per day until judgment is entered.

2. **Lien on Property.** Plaintiff holds a lien for the total sums described in paragraph 1 above superior to any claim or estate of the Defendants on the following described real and personal property located in Bay County, Florida:

Commence at the Northwest corner of Section 8, Township 3 South, Range 14 West, Bay County, Florida; thence South 32 degrees 14'22" West for 507.99 feet to the Southerly right of way line of Arthur Avenue (100 foot right of way); thence South 14 degrees 16'35" West for 785.27 feet; thence South 38 degrees 09'50" East for 675 feet, more or less, to the Northerly edge of a canal for the Point of Beginning; thence North 38 degrees 09'50" West for 675 feet, more or less; thence North 14 degrees 16'35" East for 785.27 feet to the Southerly right of way line of said Arthur Avenue, which is a curve concave to the Southwest and having a radius of 343.52 feet; thence Easterly along said curving right of way line for an arc distance of 75.37 feet, said arc having a chord of 75.22 feet bearing South 76 degrees 50'30" East; thence South 70 degrees 33'23" East along said right of way line for 868.55 feet to the P.C. of a curve concave to the Northeast and having a radius of 1836.30 feet; thence Easterly along said curving right of way line for an arc distance of 205.38 feet, said arc having a chord of 205.28 feet bearing South 73 degrees 45'38" East; thence South 76 degrees 57'53" East along said right of way line for 380.01 feet; thence South 13 degrees 02'07" West for 870 feet, more or less, to the Northerly edge of a canal; thence Westerly along the edge of said canal for 1040 feet, more or less, to the Point of Beginning, and being subject to a 100 foot Gulf Power Company easement.

Together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all mineral, oil, gas, geothermal and similar matters.

3. **Sale of Property.** If the total sum with interest at the rate described in paragraph 1 above and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale on July 20, 2018 at 11:00 a.m. Central Time to the highest bidder for cash, by online sale at www.bay.realforeclose.com in accordance with Chapter 45, Florida Statutes.

4. **Payment of Bid.** At the time of the sale, the successful high bidder shall post with the Clerk a cash deposit equal to five percent (5%) of the final bid. The balance of the final bid shall be paid in cash or cash equivalent to the Clerk no later than 4:00 p.m. on the sale date.

The successful high bid shall be exclusive of the clerk's registry fee and documentary stamps on the Certificate of Title which shall be paid by the successful bidder.

5. **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 at the 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 at the sale, the Clerk shall credit Plaintiff's bid with the total sum of this judgment with interest and costs accruing subsequent to this judgment, or such part of it as is necessary to pay the bid in full.

6. **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, attorneys' 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 remaining amount pending the further order of this court.

7. **Right of Redemption/Right of Possession.** On filing the certificate of sale, 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 Defendants' right of redemption as prescribed by §45.0315, Florida Statutes (2017) shall be terminated. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

8. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writ(s) of possession, and to supplement the complaint to join any unknown parties having an interest in the property that is the subject of this action.


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 OF FORECLOSURE.

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, BAY COUNTY COURTHOUSE, 300 EAST FOURTH 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 PROPERTY 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. AT (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. FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida this 17th
day of June, 2018.


ELIJAH SMILEY
Circuit Court Judge

Conformed copies:

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FDIC as receiver for First NBC Bank

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