

IN THE FLORIDA COURT OF THE FOURTEENTH
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR
BAY COUNTY
GENERAL JURISDICTION DIVISION
CASE NO: 17000822CA

U.S. BANK, NATIONAL ASSOCIATION AS
TRUSTEE FOR THE C-BASS MORTGAGE LOAN
ASSET BACKED CERTIFICATES, SERIES 2006-
CB2,

Plaintiff,

vs.

ANNE B GIELISSE A/K/A ANNE GIELISSE;
PORTSIDE CONDOMINIUM HOMEOWNERS'
ASSOCIATION, INC.; ANY AND ALL UNKNOWN
PARTIES CLAIMING BY, THROUGH, UNDER,
AND AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANT(S) WHO ARE NOT
KNOWN TO BE DEAD OR ALIVE, WHETHER SAID
UNKNOWN PARTIES MAY CLAIM AN INTEREST
AS SPOUSES, HEIRS, DEVISEES, GRANTEEES, OR
OTHER CLAIMANTS,

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

This action was tried before the court at a Non-Jury Trial on September 18, 2018. On the evidence presented. **IT IS ADJUDGED** that Plaintiff's Final Judgment is **GRANTED** against all defendants listed by name: ANNE B GIELISSE A/K/A ANNE GIELISSE; PORTSIDE CONDOMINIUM HOMEOWNERS' ASSOCIATION, INC.;

1. **Amounts Due.** Plaintiff, U.S. BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN ASSET BACKED CERTIFICATES, SERIES 2006-CB2, whose address is c/o Ocwen Loan Servicing, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409, is due:

Principal	\$140,895.31
Interest to date of this judgment: September 18, 2018	\$60,463.71
Inspections	\$726.00
Property Valuation	\$495.50
Property Preservation	\$40.00
Title Charges	\$300.00
SUBTOTAL	\$202,920.52
Attorneys' Fees:	
Finding as to reasonable number of hours: 32.30	
Finding as to reasonable hourly rate: \$215.00	
Flat Fee: \$3,450.00	
Attorneys' Fee Total:	\$10,394.50
Court Costs, now taxed:	
Filing Fee:	\$938.04
Service of Process:	\$505.00
Lis Pendens:	\$9.00
Other:	\$88.50
Recording Death Certificates: \$13.50	
Death Certificates: \$45.00	
Summons: \$30.00	
TOTAL SUM	\$214,855.56

That shall bear interest at a rate in accordance with section 55.03(3), Florida Statute

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 property in Bay County, Florida:

CONDOMINIUM UNIT 2, BUILDING BB, PORTSIDE CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM, WITH THE EXHIBITS ANNEXED THERETO, AS RECORDED IN THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, IN OFFICIAL RECORDS BOOK 970, PAGES 1 THROUGH 70, INCUSIVE; AND ANY AMENDMENTS THERETO, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS DECLARED IN SAID DECLARATION OF CONDOMINIUM TO BE APPURTENANT TO SUCH UNIT AND ALL OTHER APPURTENANCES ACCORDING TO SAID DECLARATION.

Property Address: 17620 FR BCH RD UNIT BB2, PANAMA CITY BEACH, FL 32413

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 this Court shall sell the property at public sale on the 3 day of January, 2018 to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 300 EAST 4TH STREET, ROOM 105, PANAMA CITY, FL FL in Bay County, Florida, in accordance with section 45.031, Florida Statutes (2013), using the following method:

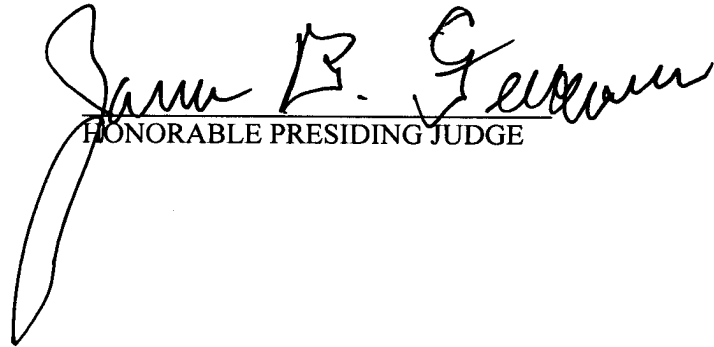
www.bay.realforeclose.com beginning at 11:00 AM

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 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.
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 (2013) 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. **Attorneys' Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that the flat fee of \$3450.00 is reasonable and appropriate for the Plaintiff's counsel's attorney's fees. Furthermore, the Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 32.30 hours were reasonably expended by Plaintiff's counsel and that and hourly rate of \$215.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reasons for either reduction or enhancement pursuant to *Florida Patient's Compensation Funds v. Rowe*, 472 So. 2d 1145 (Fla. 1985), and the Court therefore has awarded reasonable attorney's fees in the amount indicated in paragraph 1 of this Judgment.
8. The Court finds that the Plaintiff has proved the terms of the lost Note and its right to enforce the instrument(s) as required by Florida Statute 673.3091. Plaintiff holds harmless and shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost Note. Since adequate protection is therefore provided as required by Florida Statute Section 673.3091, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost Note.
9. **Jurisdiction Retained.** Jurisdiction is reserved over this action to enforce the Final Judgment and to enter further orders that are proper including, without limitation, an award of attorney's fees and costs, a deficiency decree (if sought and appropriate), writs of possession, orders granting leave to file supplemental and/or amended pleadings to add additional parties, and orders resolving any disputes with respect to assessments and/or other amounts allegedly due associations.

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.

ORDERED at PANAMA CITY, BAY COUNTY, FLORIDA this 29 day of October, 2018.


HONORABLE PRESIDING JUDGE

COPIES FURNISHED TO:

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