

IN THE CIRCUIT COURT OF THE 14TH
JUDICIAL CIRCUIT, IN AND FOR
BAY COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 18000955CA

WELLS FARGO BANK, N.A., AS TRUSTEE, ON
BEHALF OF THE HOLDERS OF THE
HARBORVIEW MORTGAGE LOAN TRUST
MORTGAGE LOAN PASS-THROUGH
CERTIFICATES, SERIES 2006-12

Plaintiff,

vs.

LAWRENCE W. HARDING; ANN L. HARDING;
VILLAS OF PANAMA OWNERS' ASSOCIATION,
INC.; THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK AS SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN CHASE
BANK, NATIONAL ASSOCIATION FOR CWHEQ
REVOLVING HOME EQUITY LOAN TRUST,
SERIES 2006-I; UNKNOWN PERSON(S) IN
POSSESSION OF THE SUBJECT PROPERTY;

Defendants.

CONSENT FINAL JUDGMENT OF MORTGAGE FORECLOSURE

THIS ACTION was resolved prior to the Plaintiff's Motion for Summary Final Judgment hearing scheduled for January 9, 2020 by agreement of the Plaintiff and Defendants, LAWRENCE W. & ANN L. HARDING to a Consent to Judgment of Foreclosure with a Waiver of Right to Deficiency. Based on the evidence presented to the court, IT IS ORDERED AND ADJUDGED that:

1. There is due and owing to Plaintiff, WELLS FARGO BANK, N.A., AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE HARBORVIEW MORTGAGE LOAN TRUST MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2006-12; c/o SELECT PORTFOLIO SERVICING, INC.; REMITTANCE PROCESSING, PO BOX 65450, SALT LAKE CITY, UTAH 84165-0450, the following:

A. Principal Balance	\$485,873.26
B. Interest through 1/9/2020	\$59,715.88

C. Escrow Advance	\$10,503.70
Taxes	\$5,137.53
Insurance	\$5,366.17
D. Attorney's Fees Total	\$2,570.00
E. Inspections	\$180.00
F. Late Charges	\$102.19
G. Title Search	\$295.00
H. Less Suspense Account	(\$961.55)
<u>Court Costs, Now Taxed:</u>	
I. Clerk's filing fee	\$1,969.00
J. Service of process	\$852.76
K. Notice of Action	\$589.60

TOTAL \$ 561,689.84

that shall bear interest from this date forward at the prevailing legal rate of interest. Plaintiff shall also recover such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of Sale, and any advances made by the Plaintiff subsequent to the date specified in item B of this paragraph which are proper under the terms of the note and mortgage foreclosed herein.

2. The Court finds that service of process was properly effected on each of the Defendants. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s) LAWRENCE W. HARDING; ANN L. HARDING; VILLAS OF PANAMA OWNERS' ASSOCIATION, INC.; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-I; UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY; on the following described property in BAY County, Florida:

**LOT 9, VILLAS OF PANAMA, ACCORDING TO THE PLAT THEREOF RECORDED
IN PLAT BOOK 20, PAGES 70-72 OF THE PUBLIC RECORDS OF BAY COUNTY,
FLORIDA.**

MORE PARTICULARLY DESCRIBED AS FOLLOWS: PARCEL 9, A PARCEL OF LAND BEING A PORTION OF LOT 15, BLOCK 9, GULF LAGOON BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 2, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BAY COUNTY, FLORIDA AND SAID PROPERTY IS BOUNDED ON THE NORTHWESTERLY SIDE BY THE FACE OF AN EXISTING BUILDING AND ON THE SOUTHEASTERLY SIDE BY THE FACE OF SAID BUILDING AND THE EXTENSIONS OF SAID LINES; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY CORNER OF LOT 13 OF SAID BLOCK 9; THENCE SOUTH 52° 04' 56" EAST, ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF BEACH DRIVE (60.00 FOOT WIDE RIGHT OF WAY) 104.95 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 52° 04' 56" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE 23.06 FEET, THENCE DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE, RUN SOUTH 37° 56' 38" WEST, 76.00 FEET; THENCE NORTH 52° 04' 56" WEST, 23.06 FEET; THENCE NORTH 37° 56' 38" EAST, 76.00 FEET TO THE POINT OF BEGINNING.

a/k/a 7821 BEACH DRIVE, PANAMA CITY BEACH, FLORIDA 32408

3. If the total sum set forth in paragraph 1 with interest at the interest rate prescribed by law and all costs of this action and proper advances pursuant to paragraph 1 accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale Agreed to a Sale Date No Less Than 120 Days from Date of this Judgment on MAY 8, 2020, at 11:00 A.M., to the highest bidder for cash, except as prescribed in Paragraph 4, BY ELECTRONIC SALE AT: WWW.BAY.REALFORECLOSE.COM, in accordance with section 45.031, Florida Statutes.

4. 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. If prior to the sale, Plaintiff shall be required to advance any monies pursuant to the provisions hereof, then Plaintiff or its attorneys shall so certify to the Clerk of this Court, and the amount due to Plaintiff as set forth in paragraph 1 hereof shall be increased by the amount of such advances without further order of the Court. Plaintiff may assign its right to bid to a third party and, in that event, the Clerk of this Court is hereby

ordered and directed to issue the Certificate of Title to Plaintiff's assignee if Plaintiff or its assignee is the successful bidder at the sale.

5. 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 hereof from this date to the date of the sale; and by retaining any amount remaining pending the further order of this Court. All sums to be disbursed to Plaintiff shall be made payable to Plaintiff's Attorney, Kahane & Associates, P.A. Trust Account and mailed to 8201 Peters Road, Suite 3000, Plantation, FLORIDA 33324.

6. Upon filing of the Certificate of Sale by the Clerk of the Court, the 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 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 .If any defendant remains in possession of the property, the clerk shall without further order of the court issue forthwith a writ of possession upon request of the person named on the Certificate of Title for the premises located at 7821 BEACH DRIVE, PANAMA CITY BEACH, FLORIDA 32408.

7. 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.

8. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession. Plaintiff agrees to waive its right to seek a deficiency judgment against Defendants, LAWRENCE W. & ANN L. HARDING.

NOTICE PURSUANT § 45.031, FLORIDA STATUTES

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, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY 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 CONTACT THE CLERK OF THE COURT, 300 EAST 4TH STREET, PANAMA CITY, FLORIDA 32401 (TELEPHONE: (850) 763-9061), 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 LEGAL SERVICES OF NORTH FLORIDA, INC., 211 EAST 11TH STREET, PANAMA CITY, FLORIDA 32401 TELEPHONE: (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. YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers in Panama City, BAY County, Florida, this 9 day of JAN, ~~2019~~ 2020


CIRCUIT JUDGE

Copies furnished to the parties listed on the attached service list:

Final Judgment of Foreclosure
Case No. 18000955CA

THOMAS J. CROWDER, ESQ.
KAHANE & ASSOCIATES, P.A.
8201 PETERS ROAD, SUITE 3000
PLANTATION, FLORIDA 33324
DESIGNATED SERVICE EMAIL: notice@kahaneandassociates.com

LAWRENCE W. HARDING & ANN L. HARDING
c/o MITCH DEVER, ESQ.
P.O. BOX 9811
PANAMA CITY BEACH, FLORIDA 32417
mitchdever@comcast.net

UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY
7821 BEACH DRIVE
PANAMA CITY BEACH, FLORIDA 32408

VILLAS OF PANAMA OWNERS' ASSOCIATION, INC.
c/o BRIAN D HESS, as Registered Agent
9108 FRONT BEACH RD
PANAMA CITY BEACH, FLORIDA 32407

THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-I
c/o OFFICER, OR ANY INDIVIDUAL AUTHORIZED TO ACCEPT SERVICE, as Registered Agent
240 GREENWICH STREET
NEW YORK, NEW YORK 10007