

IN THE CIRCUIT COURT,
IN AND FOR BAY COUNTY, FLORIDA
CASE NO. 18001182-CA

HOLIDAY INN CLUB VACATIONS INCORPORATED
F/K/A ORANGE LAKE COUNTRY CLUB, INC.

Plaintiff,
vs.

FUNK ET. AL.,
Defendant(s).

FINAL SUMMARY JUDGMENT OF FORECLOSURE (IN REM) AS TO
COUNT VI,
ALAN BRIAN BERESFORD

This cause came before the Court for hearing upon Plaintiff's Motion for Entry of Final Summary Judgment as to the Count(s) above. After reviewing the record, including affidavits submitted by Plaintiff, hearing the argument of counsel, and being otherwise fully advised in the premises, the Court finds that Plaintiff is entitled to the entry of a Judgment in its favor. It is, therefore,

ORDERED and ADJUDGED:

Count VI,

Plaintiff's Motion for Entry of Final Summary Judgment as to Count ALAN BRIAN BERESFORD, is granted.

Plaintiff, HOLIDAY INN CLUB VACATIONS INCORPORATED, F/K/A ORANGE LAKE COUNTRY CLUB, INC. whose address is 9271 S. John Young Pkwy, Orlando, Fl 32819 is due:

Unpaid Principal Balance of the Note	\$	9,219.37
Accrued Interest at 13.65% per Annum from 10/20/2015 through April 13, 2020 (1,637 days @ \$3.45 per day)	\$	5,647.65
Cost of this Action	\$	476.01
TOTAL SUM DUE TO PLAINTIFF through 4/13/20	\$	15,343.03

Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), ALAN BRIAN BERESFORD , on the following described property in Bay County, Florida:

WEEK/UNIT: 33 Odd Years/2387
Orange Lake in Panama City, (the "Condominium"), together with an undivided interest in the common elements appurtenant thereto, according to the Declaration of Condominium thereof recorded in Book 3026 , Pages 280-394, in the Public Records of Bay County, Florida.

1. The aforesaid total sum due to Plaintiff shall bear interest at the rate of six 66/100 percent (6.66%) per year.
2. 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 to the highest bidder for cash, except as prescribed in paragraph 6, on 5/29/2020, at 11:00 a.m. central time at www.bay.realforeclose.com , in accordance with Section 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 PUSUANT TO THIS 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.

3. Plaintiff shall advance all subsequent costs of this action (excluding documentary stamps) with further order of the court and shall be reimbursed for them by the Clerk if the Plaintiff is not the purchaser of the property at the sale. 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. All service charges assessed by the Clerk of this Court pursuant to Section 28.24, Florida Statutes, together with proper documentary stamps to be affixed to the certificate of title shall be paid by the highest bidder at the sale.
4. 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; including attorney's fees, second, documentary stamps affixed to the certificate; third the total sum due to Plaintiff less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale; and by retaining any amount remaining pending the further order of this Court.
5. On filing the certificate of sale, the Defendants and all persons claiming under or against the Defendants since the filing of the Note of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at the sale 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
6. Plaintiff is not attempting to recover any money from the Defendants but is only pursuing its in rem foreclosure rights to obtain title to the property.
7. Jurisdiction of this action is retained to enter further orders that are proper.

8. The party who submitted this proposed order to the Court for approval is required to serve a copy of the signed order upon any person(s) not registered to receive service via the e-portal.

DONE AND ORDERED at Panama City, Bay County, Florida, on this 19th day of April, 2020.



John L. Fishel, II
Circuit Court Judge

Case # 18001182-CA, OLCC Florida, LLC v. FUNK ET. AL., Count VI