

Filing # 107910397 E-Filed 05/26/2020 10:14:53 AM
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**IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT IN AND
FOR BAY COUNTY, FLORIDA**

Case No: 19002597CA

CARRINGTON MORTGAGE SERVICES, LLC,

Plaintiff,

vs.

ERICA WEST; ET AL.,

Defendants.

CONSENT FINAL JUDGMENT OF FORECLOSURE

THIS MATTER came before the Court upon the motion by Plaintiff for the entry of Consent Final Judgment of Foreclosure. After consideration of all evidence presented and the state of the record, this Court rules as follows:

IT IS ADJUDGED that:

1. Final Judgment in favor of the Plaintiff, **CARRINGTON MORTGAGE SERVICES, LLC**, is **GRANTED** as to all counts and against the following Defendants: **ERICA WEST** and **MICHAEL WEST**.

2. **Amounts Due.** The following amounts are due and owed to the Plaintiff:

Principal Balance Due		\$ 83,383.89
Interest on the Note and Mortgage at 4.125% from 9/1/18 to 5/1/20 Per Diem of \$14.623		\$ 5,732.60
Escrow Balance		\$ 3,180.92
FHA Premium Due HUD		\$ 73.30
Prop Pres – Lock Change		\$ 115.00
Prop Pres – Winterization		\$ 50.00
Prop Pres – Initial Grass Cut		\$ 341.78
Prop Pres – Recurring Grass Cut		\$ 1,200.00
Prop Pres – Other250		\$ 4,577.42
Prop Pres – Shrub Trimming		\$ 354.47
Prop Pres – Cap Water Line		\$ 36.00

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Prop Pres – Debris Removal		\$ 2,650.00
Prop Pres – Repairs per Bid		\$ 10,053.10
Prop Pres – Clean		\$ 50.00
Prop Pres – Board Up		\$ 169.60
Property Inspection Fee		\$ 300.00
Title Fees		\$ 400.00
Other Fees:		\$ 0.00
SUBTOTAL		\$112,668.08
ATTORNEY'S FEES – AFFIDAVIT OF REASONABLENESS		\$ 6,807.50
Flat fee of \$2,800 + 3 hrs. @ \$250 + 13.5 hrs. @ \$225 + \$150 + \$70		
COURT COSTS		\$ 2,316.18
Complaint Filing Fee \$1,010.68		
Court Reporter \$ 105.00		
Service of Process \$ 735.00		
Mediation \$ 450.00		
Recording \$ 15.50		
TOTAL DUE		\$121,792.48

3. The total sum referenced in Paragraph 2 shall bear interest at the statutory rate of 5.97% from this date forward.

4. **Lien on Property.** Plaintiff, **CARRINGTON MORTGAGE SERVICES, LLC**, whose address is: 1600 South Douglass Road, Suite 200-A, Anaheim, California 92806, holds a lien for the total sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the following Defendants, **ERICA WEST** and **MICHAEL WEST**, and all persons, corporations, or other entities claiming by, through or under the Defendants or any of them, and the property will be sold free and clear of all claims of the Defendants, with the exception of any assessments that are superior pursuant to Sections 718.116 or 720.3085, Florida Statutes or the Declaration of Covenants, whichever provides the most protection for the Plaintiff from liability for past due assessment. Additionally, all liens and/or property transfers recorded after the recording of the *lis pendens* in this action are hereby foreclosed of their interest pursuant Fla. Stat. § 48.23. If the United States of America is a Defendant in this action, then pursuant to 28 U.S.C. § 2410(c), it shall have a period of 120 days from the date of sale to redeem the subject property. All municipal liens recorded after the mortgage, which do not have an independent statutory basis for super-priority are hereby foreclosed pursuant to *City of Palm Bay v. Wells Fargo Bank, N.A.*, 114 So.3d 924 (Fla. 2013), but the holders of any such liens may retain a right of redemption as provided by Fla. Stat. § 45.0315. The lien of the Plaintiff encumbers the subject property located in BAY County, Florida, and described as:

LOT 20, CREEK HOLLOW ESTATES, UNIT TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 17, PAGE 49, PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

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Property Address: **10738 SOUTH FORK LOOP, PANAMA CITY, FL 32404**

5. If the total sum with interest at the rate described in paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of Circuit Court shall sell the subject property at public sale on July 24, 2020 (date) to the highest bidder for cash, except as prescribed in Paragraph 6, via an online sale at www.bay.realforeclose.com, beginning at 11 a.m. on the prescribed date after having first given notice as required by section 45.031, Florida Statutes. Plaintiff must arrange for publication of notice of sale in accordance with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale. Plaintiff or Plaintiff's attorney may also cancel or reschedule the sale by filing a motion with the Court in accordance with Florida Rules of Civil Procedure, Form 1.996(b) and may seek to reschedule the sale to a later date.

6. **Costs.** Plaintiff shall advance all subsequent required costs of this action. Except for the fee to the Clerk as provided in §45.035, Florida Statutes, and publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

7. **Plaintiff's Additional Expenses.** If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 5, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

8. **Distribution of Proceeds.** On the filing of the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

9. **Right of Redemption/Right of Possession.** On filing of 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 except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant(s)' right of redemption as provided by section 45.0315, Florida Statutes shall be terminated. On filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

10. **Attorneys' Fees.** The requested attorneys' fees are a mix of flat rate fees and hourly rate fees 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 fee requested is reasonable.

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11. IMPORTANT INFORMATION PROVIDED pursuant to 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 PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIEN HOLDER 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 the property has qualified for the homestead tax exemption in the most recent approved tax roll, also include the following two paragraphs:

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 BAY COUNTY COURTHOUSE, COURTHOUSE, 300 E 4TH ST, PANAMA CITY, FL 32401 PHONE: (850) 763-9061 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 A LEGAL SERVICES OFFICE, SUCH AS: LEGAL SERVICES OF NORTH FLORIDA, 211 E 11TH ST, PANAMA CITY, FL 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 ANOTHER OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

13. Upon issuance of the Certificate of Title, the Clerk is authorized to issue a writ of possession without further action of the Court.

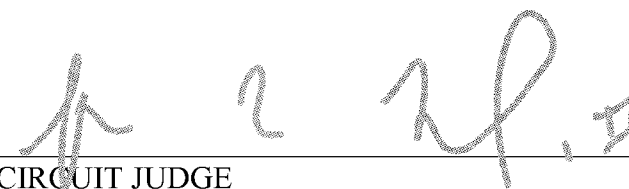
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14. **Jurisdiction Retained.** The Court retains jurisdiction of this action to enter further orders that are proper, including without limitation: any action to reforeclose any junior liens or interests that have been omitted from this Final Judgment of Foreclosure, and to enter orders authorizing writs of possession and an award of attorney's fees.

15. **Reformation of Mortgage:** Judgment is hereby entered in favor of Plaintiff as to its request to reform the legal description of the Mortgage. The Mortgage recorded at Official Records Book 2726, at Page 1474, in the Public Records of Bay County, Florida, is hereby reformed to reflect the correct legal description set out in Paragraph 5 of this Consent Final Judgment of Foreclosure.

16. **Waiver of Deficiency.** Plaintiff, and any successors or assigns, waives any right to pursue Defendants, **ERICA WEST** and **MICHAEL WEST**, for any deficiency or deficiency judgment resulting from this action.

26 **DONE AND ORDERED** in Chambers at Panama City, Bay County, Florida, on this day of may 2020.



CIRCUIT JUDGE

Copies furnished to:

Michael T. Sheridan, Esq.
Lender Legal PLLC
2807 Edgewater Drive
Orlando, Florida 32804
Msheridan!@lenderlegal.com
Attorney for Plaintiff

James L. Heath
Health Law Firm, P.A.
4100 Legendary Dr., Suite 265
Destin, Florida 32541
service@floridacoastlaw.com
paralegal@floridacoastlaw.com
Attorney for Defendants, Erica West and Michael West