

Filing # 129631573 E-Filed 06/28/2021 02:17:54 PM

IN THE CIRCUIT COURT OF THE 14th JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA
CIVIL DIVISION

ARCPE1, LLC
Plaintiff

Case No. 20-001468CA

vs.

SCOTT A. ETIENNE A/K/A SCOTT ALAN
ETIENNE A/K/A SCOTT ETIENNE and all
unknown parties claiming by, through, under and
against the above named Defendant who are
unknown to be dead or alive whether said
unknown are persons, heirs, devisees, grantees, or
other claimants; UNKNOWN SPOUSE OF
SCOTT A. ETIENNE A/K/A SCOTT ALAN
ETIENNE A/K/A SCOTT ETIENNE; SHARI
N. ETIENNE; CALVIN L. SMITH JR., AS
SUCCESSOR TRUSTEE TO CALVIN L.
SMITH SR., TRUSTEE; PALISADES
COLLECTION L.L.C A/K/A PALISADES
COLLECTION LLC; TENANT I/UNKNOWN
TENANT; TENANT II/UNKNOWN TENANT;
TENANT III/UNKNOWN TENANT and TENANT
IV/UNKNOWN TENANT, in possession of the
subject real property,
Defendants

IN REM FINAL SUMMARY JUDGMENT OF FORECLOSURE
SECOND MORTGAGE

THIS MATTER came before this Honorable Court upon Plaintiff's Motion for Final Summary Judgment of Foreclosure, and Attorney Fees and Costs, wherein the Court finds that service of process was properly rendered against Defendants. All Defendants were properly served with process and were then either voluntarily dismissed or timely defaulted.

The Court also finds that all Defendants have failed to assert any material facts or issues that precludes summary judgment. The Court finds that Plaintiff has filed Affidavits and

Exhibits herein as proof of the sums due; and the Court having heard argument of counsel and being fully and sufficiently advised in the premises,

IT IS ORDERED AND ADJUDGED:

1. The Court has jurisdiction over the Defendants, **SCOTT A. ETIENNE A/K/A SCOTT ALAN ETIENNE A/K/A SCOTT ETIENNE** and all unknown parties claiming by, through, under and against the above named Defendant who are unknown to be dead or alive whether said unknown are persons, heirs, devisees, grantees, or other claimants; **UNKNOWN SPOUSE OF SCOTT A. ETIENNE**
A/K/A SCOTT ALAN ETIENNE A/K/A SCOTT ETIENNE; SHARI N. ETIENNE; CALVIN L. SMITH JR., AS SUCCESSOR TRUSTEE TO CALVIN L. SMITH SR., TRUSTEE;
PALISADES COLLECTION L.L.C A/K/A PALISADES COLLECTION LLC; TENANT I/UNKNOWN TENANT; TENANT II/UNKNOWN TENANT; TENANT III/UNKNOWN TENANT and TENANT IV/UNKNOWN TENANT, in possession of the subject real property, who were served with process and properly and either answered or were timely defaulted, along with subject matter jurisdiction over this cause and all party Defendants.

2. The Court finds the original mortgage and promissory note have been accepted into evidence, with the promissory note being canceled.

3. Plaintiff is owed as follows:

A.	Principal	\$47,100.00
B.	Interest through 2/27/21, with a per diem thereafter of \$9.1583	\$39,179.30
C.	Additional Interest to the date of this Judgment	\$1,099.00
D.	Unpaid Fees	\$6,140.74
E.	Foreclosure Report	\$250.00
F.	Filing Fees	\$1,019.00

G.	Skip Trace	\$32.78
H.	Service of Process	\$755.00
I.	Attorney Fee	\$2,800.00
	TOTAL	\$98,375.82

The sum of \$98,375.82, shall bear interest until paid in full at the lawful promulgated rate of 4.31% starting in 2021 and shall then be determined by in accordance with Florida Statute 55.03 by the State of Florida for each successive quarter thereafter until paid in full.

4. The Court finds that the 16.00 hours expended by counsel for Plaintiff in obtaining this Final Summary Judgment is a reasonable number of hours, and that the range of hourly rates charged by the attorney working on this matter for Plaintiff of One Hundred Seventy Five Dollars [\$175.00] is reasonable and is the prevailing rate charged in this Judicial Circuit by lawyers of reasonable comparable skill, experience, and reputation for similar lawyers. Accordingly, the Court finds that the amount of One Hundred Seventy Five Dollars [\$175.00] per hour for a period of 16.00 hours for a total attorney's fee of **\$2,800.00** as set forth herein the above paragraph is reasonable.

5. Plaintiff, **ARCPE1, LLC**, whose address is c/o Assets Recovery Center, LLC 1900 Sunset Harbour Drive Annex Building -2nd Floor Miami Beach, FL 33139-1400., holds a lien on the subject real property for the total sum of this judgment which is superior in dignity, right, title and interest to all persons, firms, estates, corporations claimed by Defendants **SCOTT A. ETIENNE A/K/A SCOTT ALAN ETIENNE A/K/A SCOTT ETIENNE** and all unknown parties claiming by, through, under and against the above named Defendant who are unknown to be dead or alive whether said unknown are persons, heirs, devisees, grantees, or other claimants; **UNKNOWN SPOUSE OF SCOTT A. ETIENNE A/K/A SCOTT ALAN ETIENNE A/K/A SCOTT ETIENNE; SHARI N. ETIENNE; CALVIN L. SMITH JR., AS SUCCESSOR TRUSTEE TO**

CALVIN L. SMITH SR., TRUSTEE; PALISADES COLLECTION L.L.C A/K/A PALISADES COLLECTION LLC; TENANT I/UNKNOWN TENANT; TENANT II/UNKNOWN TENANT; TENANT III/UNKNOWN TENANT and TENANT IV/UNKNOWN TENANT, in possession of the subject real property; and other in possession of the subject real property and any other joined Defendants or all other persons and legal entities taking subject to notice by Plaintiff's Lis Pendens as to the real property with a legal description as follows:

**LOT 51, BLOCK C KING'S POINT UNIT SEVEN,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 16, PAGE(S) 8 AND 9, OF THE PUBLIC
RECORDS OF BAY COUNTY, FLORIDA.**

**Property Address: 2901 Tupelo Drive, Panama City, FL
32405**

6. If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid from the date of this judgment, the Clerk of the Court shall sell the property at Public Sale on the 12th day of August, 2021, at 11:00 a.m. CT / 12:00 p.m. ET to the highest bidder for cash, except as prescribed in the above paragraph to be held online at www.bay.realforeclose.com in accordance with Section 45.031, Florida Statutes. The Clerk of Court shall not conduct the sale unless Plaintiff or its representative is present to bid at the sale.

7. Plaintiff may assign the judgment and credit bid by the filing of an Notice of Assignment Bid without further order of this Court.

8. Plaintiff shall advance all subsequent costs of this action. Should a party other than Plaintiff be the purchaser at the sale, Plaintiff shall be reimbursed by the Clerk for costs advanced

including the Clerk's fee to conduct the sale and publication cost. Provided however that the purchase of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. At the time of payment of the bid amount any purchaser other than Plaintiff shall pay a service charge assessed by the Clerk of the Circuit Court pursuant to Florida Statute 28.24, together with documentary stamps to be affixed to 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. Plaintiff may, if subsequent to the date of Plaintiff's Affidavit in Support of Motion for Summary Judgment, file an amended affidavit for additional sums owed as contemplated by this judgment. Any sums Plaintiff is required to advance any monies to protect its mortgage lien, then Plaintiff shall so certify to the Clerk of Court and the amount found due to Plaintiff shall be increased by the amount of such an advance with further order of the Court.

9. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying:

- A. All of Plaintiff's costs;
- B. Plaintiff's attorney fees;
- C. Total sum due to Plaintiff, less the items paid, and the same shall bear interest at the lawful promulgated rate until paid in full.
- D. The balance of the proceeds of the sale in excess of the amounts paid under Paragraphs 9(a) (b) & (c) shall be retained by the Clerk of this Court pending further order of this Court.

10. On filing the Certificate of Sale the right of redemption shall be terminated and upon the filing of the Certificate of Title, Defendant and all persons claiming under or against them since the filing of the Notice 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 located at **2901 Tupelo**

Drive, Panama City, FL 32405. If any defendant remains in possession of the property, the Clerk forthwith a writ of possession upon the request of the person named on the certificate of title. The Sheriff is hereby authorized to serve the Writ of Possession thereafter and place Plaintiff into physical possession of the subject property.

11. IF THIS PROPERTY IS SOLD AT PUBIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSON 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.

ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM BEFORE THE CLERK REPORTS THE SURPLUS AS UNCLAIMED. THE COURT, IN ITS DISCRETION, MAY ENLARGE THE TIME OF THE SALE. NOTICE OF THE CHANGED TIME OF SALE SHALL BE PUBLISHED AS PROVIDED HEREIN.

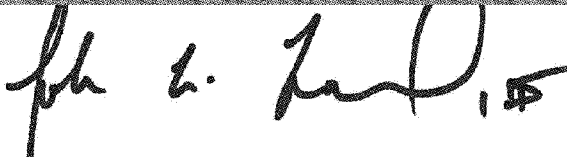
IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATIVE AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, BAY COUNTY, WITHIN 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 THE LEGAL SERVICES OF NORTH FLORIDA (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 AID FOR ASSISTANCE YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. Jurisdiction is retained to enter further Orders that are proper against Defendants (except for a deficiency judgments which has been discharged in bankruptcy), writs of possession, relief as set forth in Florida Statute 702.07, relief which would include but is not limited to supplemental complaint, re-foreclosure, post judgment proceedings, motion to address sums owed to any party, association or defendant joined to this action and all other relief deemed necessary and just.

DONE AND ORDERED in Chambers, Bay County, Florida, this Monday, June 28, 2021.

03-2020-CA-001468-CA 06/28/2021 01:08:21 PM



John L. Fishel, II, Judge
03-2020-CA-001468-CA 06/28/2021 01:08:21 PM

Conformed Copies To:

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TENANT IV UNKNOWN TENANT
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CALVIN L SMITH
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CHIPLEY, FL 32428

PALISADES COLLECTION LLC
C/O CORPORATION SERVICE COMPANY
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TALLAHASSEE, FL 32301