

Filing # 137851343 E-Filed 11/03/2021 04:30:23 PM

**WYNDHAM VACATION RESORTS, INC., F/K/A
FAIRFIELD RESORTS, INC., F/K/A FAIRFIELD
COMMUNITIES, INC., A DELAWARE
CORPORATION,**

Plaintiff,

vs.

**IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY,
FLORIDA**

CASE NO. 21000226CA

**SHELBE MARCHMAN AND ALL REAL ESTATE
OWNERSHIP, INC.; ROBERTO E SILVERA AND
MELISSA JANETTE SILVERA; BILLY G PHILLIPS ,
DECEASED AND ANY SPOUSES, HEIRS, DEVISEES,
GRANTEES, ASSIGNEES, LIENORS, CREDITORS,
TRUSTEES OR OTHER CLAIMANTS, BY, THROUGH,
UNDER OR AGAINST BILLY G PHILLIPS ; LORRAINE M
EPPERSON; BRADLEY D HOPKINS, DECEASED AND
ANY SPOUSES, HEIRS, DEVISEES, GRANTEES,
ASSIGNEES, LIENORS, CREDITORS, TRUSTEES OR
OTHER CLAIMANTS, BY, THROUGH, UNDER OR
AGAINST BRADLEY D HOPKINS; AMY CAROL
PLEASANT AND JEFFREY THOMAS PLEASANT;
DENNIS R GEORGE AND SANDRA GEORGE; BOBBY
BOYD AND PATRICIA ANN BOYD; EUGENE GERALD
EASTERLY, DECEASED AND ANY SPOUSES, HEIRS,
DEVISEES, GRANTEES, ASSIGNEES, LIENORS,
CREDITORS, TRUSTEES OR OTHER CLAIMANTS, BY,
THROUGH, UNDER OR AGAINST EUGENE GERALD
EASTERLY AND JENNIFER KUHN EASTERLY;
ALPHONSO DAVIS AND JUDY DAVIS; JULIA R
MAYFIELD AND MICHAEL B MAYFIELD; JAMES
CORRALEZ,, DECEASED AND ANY SPOUSES, HEIRS,
DEVISEES, GRANTEES, ASSIGNEES, LIENORS,
CREDITORS, TRUSTEES OR OTHER CLAIMANTS, BY,
THROUGH, UNDER OR AGAINST JAMES CORRALEZ,,
JOANN TIMM AND JOHN SAMUEL CAPONE JR and
EMERALD BEACH RESORT MASTER OWNERS
ASSOCIATION, INC.,**

Defendants.

FINAL JUDGMENT IN FORECLOSURE AS TO COUNT III ONLY

This cause coming on this day upon the Complaint, Defaults, Affidavits, and Motion for Final Judgment in Foreclosure by Default, filed herein, and the Court having considered the affidavits and pleadings filed herein, and having found that the preponderance of the evidence favors the Plaintiff, **WYNDHAM VACATION RESORTS, INC., F/K/A FAIRFIELD RESORTS, INC., F/K/A FAIRFIELD COMMUNITIES, INC., A DELAWARE**

CORPORATION., and that the Plaintiff is entitled to such judgment in foreclosure in rem only, as a matter of law, it is hereby

ORDERED AND ADJUDGED as follows:

1. Judgment in favor of Plaintiff, WYNDHAM VACATION RESORTS, INC., F/K/A FAIRFIELD RESORTS, INC., F/K/A FAIRFIELD COMMUNITIES, INC., A DELAWARE CORPORATION, against Defendants, **BILLY G PHILLIPS , deceased, and the unknown spouses, heirs, devisees, grantees, assignees, lienors, creditors, trustees or other claimants, by, through, under or against, BILLY G PHILLIPS , and EMERALD BEACH RESORT MASTER OWNERS ASSOCIATION, INC. and EMERALD BEACH RESORT MULTI-CONDOMINIUM ASSOCIATION, INC. and PANAMA CITY BEACH VACATION OWNERS ASSOCIATION, INC.** are hereby granted.

2. The Court has jurisdiction over the subject matter hereof and the parties hereto and the equities herein are with the Plaintiff.

3. The following sums are due the Plaintiff on the notes and mortgages foreclosed herein:

COUNT III - BILLY G PHILLIPS , deceased, and the unknown spouses, heirs, devisees, grantees, assignees, lienors, creditors, trustees or other claimants, by, through, under or against, BILLY G PHILLIPS

a. Unpaid principal balance on the mortgage and note	\$102,023.49
b. Interest on the principal balance through 11/12/2019 and Late Fees (per diem continuing at \$35.39)	<u>\$9,159.84</u>
TOTAL	<u>\$111,183.33</u>

4. Plaintiff holds liens for the total sum specified in Paragraph 3 above, superior in dignity to any claim or estate of the Defendants herein, upon the mortgaged property herein foreclosed, situated in Bay County, Florida, and described as follows:

COUNT III - BILLY G PHILLIPS , deceased, and the unknown spouses, heirs, devisees, grantees, assignees, lienors, creditors, trustees or other claimants, by, through, under or against, BILLY G PHILLIPS

A **1,000,000/633,452,000** undivided tenant-in-common fee simple interest in real property commonly known as Units **137-147, 237-247, 337-347, 437-447, 537-547** of **EMERALD BEACH RESORT CONDOMINIUM III**, according and subject to the Declaration of Condominium for Emerald Beach Resort Condominium III , as recorded in Official Records Book 2944, Page 2252, public records of Bay County, Florida, together with any amendments and supplements thereto and the DECLARATION OF VACATION PLAN FOR PANAMA CITY BEACH VACATION OWNERSHIP PLAN ("Timeshare Declaration"), as recorded in Official Records Book 3056, Page 1438 et. seq., public records of Bay County, Florida, together with any and all amendments and supplements thereto hereinafter the "VOI", the said Condominium Declaration and Timeshare Declaration being hereinafter collectively referred to as the "Declaration".

The Standard VOI described above has a **1,000,000/633,452,000** Ownership Interest in the Units and Buildings described above and has been allocated **1,000,000** Points as defined in the Declaration for use in **Each** year(s).

5. If the total sums with interest and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale at 11:00 a.m. on January 6, 2022, to the highest bidder for cash, except as prescribed in Paragraph 6. These foreclosure sales will be held online at the following website: **www.bay.realforeclose.com**. Please refer to this website for complete details. This sale will be held in accordance with Section 45.031, Florida Statutes.

6. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchasers of the property for 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. If the Plaintiff is the successful bidder at the sale, Plaintiff's rights as such may be assigned to a third party and, in that event, the Clerk of the Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee upon application of Plaintiff and without further order of this Court.

7. 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.

8. The total amount of the claims subject to this Judgment is **\$111,183.33**

9. 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, the total sum due Plaintiff, less the items paid, plus interest from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.


10. On filing the Certificate of Sale, Defendants' Right of Redemption as prescribed by Florida Statutes Section 45.0315 shall be terminated. On filing the Certificate of Title, Defendants' and all persons claiming under or against them since the filing of this action 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.

11. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, Writs of Possession. Plaintiff shall not seek a deficiency.

12. The Promissory Notes and Mortgages sought to be reestablished in Count III of the Complaint is reestablished and shall have the effect of the originals on recording this

judgment. Plaintiff shall indemnify Defendants against any loss that may occur by reason of another person to enforce said instrument.

DONE AND ORDERED this DDD in Panama City, Bay County, Florida.

03-2021-CA-000226-CA 11/03/2021 03:07:23 PM


John L. Fishel, II, Judge
03-2021-CA-000226-CA 11/03/2021 03:07:23 PM

Copies to:

SHELBY MARCHMAN
2949 GERONA DR E
JACKSONVILLE, FL 32224

TARA C EARLY
tsf@gse-law.com

ALL REAL ESTATE OWNERSHIP INC
P.O. BOX 592
ELFERS, FL 34680

ROBERTO E SILVERA
3007 LEMMINGHAM DR
SPRING, TX 77388

MELISSA JANETTE SILVERA
3007 LEMMINGHAM DR
SPRING, TX 77388

A WAYNE WILLIAMSON

wayne@waynewilliamsonlaw.com

LORRAINE M EPPERSON

13754 W LINE ST

SAPULPA,, OK 74066

BRADLEY D HOPKINS

211 BAYHILL BLVD

GLEN CARBON, IL 62034

AMY CAROL PLEASANT

127 MORNINGVIEW DR

FRIENDSHIP, TN 38034

JEFFREY THOMAS PLEASANT

127 MORNINGVIEW DR

FRIENDSHIP, TN 38034

DENNIS R GEORGE

22620 COUNTY RD 18

GOSHEN, IN 46528-8483

SANDRA GEORGE

22620 COUNTY RD 18

GOSHEN, IN 46528-8483

BOBBY BOYD

3061 SR 164 E

DOVER, AR 72837-8817

PATRICIA ANN BOYD

3061 SR 164 E

DOVER, AR 72837-8817

EUGENE GERALD EASTERLY

6623 LAKE EMMA RD

GROVELAND,, FL 34736

JENNIFER KUHN EASTERLY

6623 LAKE EMMA RD

GROVELAND, FL 34736

ALPHONSO DAVIS

1964 ROCHELLE AVE APT 921

DISTRICT HEIGHTS, MD 20747

JUDY DAVIS

1964 ROCHELLE AVE APT 921

DISTRICT HEIGHTS, MD 20747

JULIA R MAYFIELD

PO BOX 977

WOODSBORO, TX 78393

MICHAEL B MAYFIELD

PO BOX 977

WOODSBORO, TX 78393-0977

JAMES CORRALEZ
1109 W 73RD AVE
MERRILLVILLE, IN 46410-3890

JOANN TIMM
504 BETHELVIEW DR
HAMPTON, GA 30228-4825

JOHN SAMUEL CAPONE
504 BETHELVIEW DR
HAMPTON, GA 30228-4825

KELLIANNE CAMPBELL BARKLEY
kbarkley@burkeblue.com
jbomar@burkeblue.com
pleadings@burkeblue.com

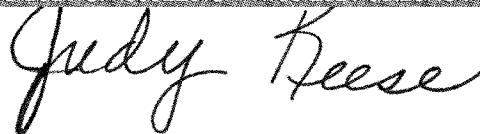
EMERALD BEACH RESORT MULTI CONDOMINIUM ASSOCIATION INC
CORPORATE CREATIONS NETWORK INC
11380 PROSPERITY FARMS ROAD #221E
PALM BEACH GARDENS,, FL 33410

PANAMA CITY BEACH VACATION OWNERS ASSOCIATION INC
CORPORATE CREATIONS NETWORK, INC.
11380 PROSPERITY FARMS ROAD, #221E
PALM BEACH GARDENS,, FL 33410

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U. S. Mail or electronic on Wednesday, November 3, 2021.

03-2021-CA-000226-CA 11/03/2021 03:28:15 PM

A handwritten signature in cursive script that reads "Judy Reese". The signature is written in black ink on a white background.

Judy Reese, Judicial Assistant
03-2021-CA-000226-CA 11/03/2021 03:28:15 PM