

Filing # 156285845 E-Filed 08/29/2022 10:23:31 AM

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

CASE NO. 22-000068-CA

HOLIDAY INN CLUB VACATIONS INCORPORATED
Plaintiff,
vs.

ESPARZA ET. AL.,
Defendant(s).

FINAL SUMMARY JUDGMENT OF FORECLOSURE (IN REM) AS TO

COUNT I

**JOANNE ESPARZA AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND
OTHER CLAIMANTS OF JOANNE ESPARZA, MARKO ANGEL ESPARZA AND ANY
AND ALL UNKNOWN HEIRS , DEVISEES AND OTHER CLAIMANTS OF MARKO
ANGEL ESPARZA**

This cause came before the Court for hearing on August 29, 2022, upon Plaintiff's Motion for Entry of Final Summary Judgment as to the Count(s) above. Defendant(s) JOANNE ESPARZA AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF JOANNE ESPARZA and MARKO ANGEL ESPARZA AND ANY AND ALL UNKNOWN HEIRS , DEVISEES AND OTHER CLAIMANTS OF MARKO ANGEL ESPARZA was/were previously served via Certified Mail on February 11, 2022, signed for by USPS J. Esparza Covid 19, at their notice address, 3748 FAIRVIEW DR , CORTLAND, NY 13045; 4754 CARROWAY HILL RD, HOMER, NY 13077, and subsequently via Publication on April 22, 2022, in accordance with Florida Statute 49.041/48.194 and 721.85 and was/were properly noticed of this hearing. A Default was entered against the Defendant(s) on June 7, 2022. After reviewing the record, including affidavits submitted by Plaintiff, hearing the argument of counsel, and being otherwise fully advised in the premises,

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS AS A MATTER OF LAW:

1. The Plaintiff has provided sufficient evidence to demonstrate that Plaintiff has standing to bring this Action.
2. The affidavits of costs and indebtedness support that the Plaintiff is entitled to a judgment of foreclosure in its favor.
3. The Defendant(s) was/were duly served in accordance with Florida Statutes and was/were properly noticed of the hearing.
4. The Defendant(s) is/are in default and has/have not paid (Assessments or Mortgages Payments) and has/have raised no defenses to payments
5. The Motion for Summary Judgment and the Notes and Mortgages as applicable support that Plaintiff is entitled a Final Judgment of Foreclosure (In Rem) against all Defendants in all counts brought by Plaintiff in Plaintiff's Motion for Summary Judgment.
6. That there exist no genuine dispute of material fact to prevent the Court from granting final judgment in favor of the Plaintiff is entitled to the entry of a Judgment in its favor.

Based on the foregoing it is hereby, **ORDERED AND ADJUDGED:**

Count I.

Plaintiff's Motion for Entry of Fina Summary Judgment as to Count I, JOANNE ESPARZA AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF JOANNE ESPARZA and MARKO ANGEL ESPARZA AND ANY AND ALL UNKNOWN HEIRS , DEVISEES AND OTHER CLAIMANTS OF MARKO ANGEL ESPARZA, is granted.

Plaintiff, Holiday Inn Club Vacations Incorporated, whose address is 9271 S. John Young Pkwy, Orlando, Fl. 32819, is owed the amounts listed in Paragraph 1 below.

Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), JOANNE ESPARZA AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF JOANNE ESPARZA and MARKO ANGEL ESPARZA AND ANY AND ALL UNKNOWN HEIRS , DEVISEES AND OTHER CLAIMANTS OF MARKO ANGEL ESPARZA, on the following described property in Bay County, Florida:

WEEK(S) 27 EVEN/UNIT 403

*A fractional 1/3828.320532 undivided interest as a tenant in common with the other owners in the Tropical Breeze Resort in Bay County, described as follows: Commencing at the Southeast corner of the Southwest Quarter (SW ¼) of Section 18, Township 3 South, Range 16 West; thence S04°14'52"E, Magnetic bearing, 110.3 feet to a point on the South Right-of-Way line of U.S. Highway 98-A-; thence N62°40'W, Magnetic bearing, along said South right-of-way line 160 feet to the Point of Beginning; thence continue N62°40" W along said South right-of-way line, 258 feet; thence S 27°20"W, Magnetic bearing, 214 feet more or less, to the mean high tide of the Gulf of Mexico; thence Southeasterly along the margin of said gulf 258 feet, more or less, to a point which lies S27°20"W, Magnetic bearing, from the Point of Beginning; thence N27°20"E, Magnetic bearing, to the Point of Beginning (this line runs at right angles to U.S. Highway 98-A and extends from said South right-of-way line to the mean high tide). Said land lying and being in Sections 18 and 19, Township 3 South, Range 16 West, with the right to use assigned **Week/ Unit 27 EVEN/403***

Together with all improvements, easements, rights, privileges and appurtenances pertaining to the Undivided interest, as provided in the Declaration of Joint Use & Reservation System, recorded in Official Records Book 901, Page 578, in the Public Records of Bay County, Florida, and subject to all of the terms, conditions and provisions set forth in said Declaration, and any and all amendments thereto.

COUNT II
TRISH ANN MCORMOND

This cause came before the Court for hearing on August 29, 2022, upon Plaintiff's Motion for Entry of Final Summary Judgment as to the Count(s) above. Defendant(s) TRISH ANN MCORMOND was/were previously served via Publication on April 22, 2022, after attempting personal service at their notice address, 11428 88 ST NW, EDMONTON AB, T5B 3R1, CANADA, in accordance with Florida Statute 49.041/48.194 and 721.85 and was/were properly noticed of this hearing. A Default was entered against the Defendant(s) on June 7, 2022. After reviewing the record, including affidavits submitted by Plaintiff, hearing the argument of counsel, and being otherwise fully advised in the premises,

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS AS A MATTER OF LAW:

1. The Plaintiff has provided sufficient evidence to demonstrate that Plaintiff has standing to bring this Action.

2. The affidavits of costs and indebtedness support that the Plaintiff is entitled to a judgment of foreclosure in its favor.
3. The Defendant(s) was/were duly served in accordance with Florida Statutes and was/were properly noticed of the hearing.
4. The Defendant(s) is/are in default and has/have not paid (Assessments or Mortgages Payments) and has/have raised no defenses to payments
5. The Motion for Summary Judgment and the Notes and Mortgages as applicable support that Plaintiff is entitled a Final Judgment of Foreclosure (In Rem) against all Defendants in all counts brought by Plaintiff in Plaintiff's Motion for Summary Judgment.
6. That there exist no genuine dispute of material fact to prevent the Court from granting final judgment in favor of the Plaintiff is entitled to the entry of a Judgment in its favor.

Based on the foregoing it is hereby, **ORDERED AND ADJUDGED:**

Count II.

Plaintiff's Motion for Entry of Final Summary Judgment as to Count II, TRISH ANN MCORMOND, is granted.

Plaintiff, Holiday Inn Club Vacations Incorporated, whose address is 9271 S. John Young Pkwy, Orlando, Fl. 32819, is owed the amounts listed in Paragraph 1 below.

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

WEEK(S) 47 EVEN/UNIT 408

A fractional 1/3828.320532 undivided interest as a tenant in common with the other owners in the Tropical Breeze Resort in Bay County, described as follows: Commencing at the Southeast corner of the Southwest Quarter (SW ¼) of Section 18, Township 3 South, Range 16 West; thence S04°14'52"E, Magnetic bearing, 110.3 feet to a point on the South Right-of-Way line of U.S. Highway 98-A-; thence N62°40'W, Magnetic bearing, along said South right-of-way line 160 feet to the Point of Beginning; thence continue N62°40" W along said South right-of-way line, 258 feet; thence S 27°20"W, Magnetic bearing, 214 feet more or less, to the mean high tide of the Gulf of Mexico; thence Southeasterly along the margin of said gulf 258 feet, more or less, to a point which lies S27°20"W, Magnetic bearing, from the Point of Beginning; thence N27°20"E, Magnetic bearing, to the Point of Beginning (this line runs at right angles to U.S. Highway 98-A and extends from

*said South right-of-way line to the mean high tide). Said land lying and being in Sections 18 and 19, Township 3 South, Range 16 West, with the right to use assigned **Week/ Unit 47 EVEN/408***

Together with all improvements, easements, rights, privileges and appurtenances pertaining to the Undivided interest, as provided in the Declaration of Joint Use & Reservation System, recorded in Official Records Book 901, Page 578, in the Public Records of Bay County, Florida, and subject to all of the terms, conditions and provisions set forth in said Declaration, and any and all amendments thereto.

COUNT III

MATIAS ALBERTO NAVARRO CROXATTO

This cause came before the Court for hearing on August 29, 2022, upon Plaintiff's Motion for Entry of FINAL SUMMARY JUDGMENT as to the Count(s) above. Defendant(s) MATIAS ALBERTO NAVARRO CROXATTO was/were previously served via Publication on April 22, 2022, after attempting personal service at their notice address, NAVIDAD 1200 DEP 301 VITACURA, SANTIAGO, CHILE, in accordance with Florida Statute 49.041/48.194 and 721.85 and was/were properly noticed of this hearing. A Default was entered against the Defendant(s) on June 7, 2022. After reviewing the record, including affidavits submitted by Plaintiff, hearing the argument of counsel, and being otherwise fully advised in the premises, THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS AS A MATTER OF LAW:

1. The Plaintiff has provided sufficient evidence to demonstrate that Plaintiff has standing to bring this Action.
2. The affidavits of costs and indebtedness support that the Plaintiff is entitled to a judgment of foreclosure in its favor.
3. The Defendant(s) was/were duly served in accordance with Florida Statutes and was/were properly noticed of the hearing.
4. The Defendant(s) is/are in default and has/have not paid (Assessments or Mortgages Payments) and has/have raised no defenses to payments

5. The Motion for Summary Judgment and the Notes and Mortgages as applicable support that Plaintiff is entitled a Final Judgment of Foreclosure (In Rem) against all Defendants in all counts brought by Plaintiff in Plaintiff's Motion for Summary Judgment.

6. That there exist no genuine dispute of material fact to prevent the Court from granting final judgment in favor of the Plaintiff is entitled to the entry of a Judgment in its favor.

Based on the foregoing it is hereby, **ORDERED AND ADJUDGED:**

Count III.

Plaintiff's Motion for Entry of Final Summary Judgment as to Count III, MATIAS ALBERTO NAVARRO CROXATTO, is granted.

Plaintiff, Holiday Inn Club Vacations Incorporated, whose address is 9271 S. John Young Pkwy, Orlando, Fl. 32819, is owed the amounts listed in Paragraph 1 below.

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

WEEK(S) 44 EVEN/UNIT 205

*A fractional 1/3828.320532 undivided interest as a tenant in common with the other owners in the Tropical Breeze Resort in Bay County, described as follows: Commencing at the Southeast corner of the Southwest Quarter (SW ¼) of Section 18, Township 3 South, Range 16 West; thence S04°14'52"E, Magnetic bearing, 110.3 feet to a point on the South Right-of-Way line of U.S. Highway 98-A; thence N62°40'W, Magnetic bearing, along said South right-of-way line 160 feet to the Point of Beginning; thence continue N62°40" W along said South right-of-way line, 258 feet; thence S 27°20"W, Magnetic bearing, 214 feet more or less, to the mean high tide of the Gulf of Mexico; thence Southeasterly along the margin of said gulf 258 feet, more or less, to a point which lies S27°20"W, Magnetic bearing, from the Point of Beginning; thence N27°20"E, Magnetic bearing, to the Point of Beginning (this line runs at right angles to U.S. Highway 98-A and extends from said South right-of-way line to the mean high tide). Said land lying and being in Sections 18 and 19, Township 3 South, Range 16 West, with the right to use assigned **Week/ Unit 44 EVEN/205***

Together with all improvements, easements, rights, privileges and appurtenances pertaining to the Undivided interest, as provided in the Declaration of Joint Use & Reservation System, recorded in Official Records Book 901, Page 578, in the Public Records of Bay County, Florida, and subject to all of the terms, conditions and provisions set forth in said Declaration, and any and all amendments thereto.

COUNT V

**WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS AND ANY
AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF WINFORD
CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS**

This cause came before the Court for hearing on August 29, 2022, upon Plaintiff's Motion for Entry of Final Summary Judgment as to the Count(s) above. Defendant(s) WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS was/were previously served via Certified Mail on NO DATE, signed for by USPS Covid 19 at their notice address, 4644 LEXINGTON RD , LANCASTER, KY 40444, and subsequently via Publication on April 22, 2022, in accordance with Florida Statute 49.041/48.194 and 721.85 and was/were properly noticed of this hearing. A Default was entered against the Defendant(s) on June 7, 2022. After reviewing the record, including affidavits submitted by Plaintiff, hearing the argument of counsel, and being otherwise fully advised in the premises,

THE COURT MAKES THE FOLLOWING FACTUAL FINDINGS AS A MATTER OF LAW:

1. The Plaintiff has provided sufficient evidence to demonstrate that Plaintiff has standing to bring this Action.
2. The affidavits of costs and indebtedness support that the Plaintiff is entitled to a judgment of foreclosure in its favor.
3. The Defendant(s) was/were duly served in accordance with Florida Statutes and was/were properly noticed of the hearing.
4. The Defendant(s) is/are in default and has/have not paid (Assessments or Mortgages Payments) and has/have raised no defenses to payments

5. The Motion for Summary Judgment and the Notes and Mortgages as applicable support that Plaintiff is entitled a Final Judgment of Foreclosure (In Rem) against all Defendants in all counts brought by Plaintiff in Plaintiff's Motion for Summary Judgment.

6. That there exist no genuine dispute of material fact to prevent the Court from granting final judgment in favor of the Plaintiff is entitled to the entry of a Judgment in its favor.

Based on the foregoing it is hereby, **ORDERED AND ADJUDGED:**

Count V.

Plaintiff's Motion for Entry of FINAL SUMMARY JUDGMENT as to Count V, WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS, is granted.

Plaintiff, Holiday Inn Club Vacations Incorporated, whose address is 9271 S. John Young Pkwy, Orlando, Fl. 32819, is owed the amounts listed in Paragraph 1 below.

Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS, on the following described property in Bay County, Florida:

WEEK(S) 37 ODD/UNIT 402

*A fractional 1/3828.320532 undivided interest as a tenant in common with the other owners in the Tropical Breeze Resort in Bay County, described as follows: Commencing at the Southeast corner of the Southwest Quarter (SW ¼) of Section 18, Township 3 South, Range 16 West; thence S04°14'52"E, Magnetic bearing, 110.3 feet to a point on the South Right-of-Way line of U.S. Highway 98-A-; thence N62°40'W, Magnetic bearing, along said South right-of-way line 160 feet to the Point of Beginning; thence continue N62°40" W along said South right-of-way line, 258 feet; thence S 27°20"W, Magnetic bearing, 214 feet more or less, to the mean high tide of the Gulf of Mexico; thence Southeasterly along the margin of said gulf 258 feet, more or less, to a point which lies S27°20"W, Magnetic bearing, from the Point of Beginning; thence N27°20"E, Magnetic bearing, to the Point of Beginning (this line runs at right angles to U.S. Highway 98-A and extends from said South right-of-way line to the mean high tide). Said land lying and being in Sections 18 and 19, Township 3 South, Range 16 West, with the right to use assigned **Week/ Unit 37 ODD/402***

Together with all improvements, easements, rights, privileges and appurtenances pertaining to the Undivided interest, as provided in the Declaration of Joint Use & Reservation System, recorded in Official Records Book 901, Page 578, in the Public

Records of Bay County, Florida, and subject to all of the terms, conditions and provisions set forth in said Declaration, and any and all amendments thereto.

1. The aforesaid total sum due to Plaintiff shall bear interest at the rate of four 34/100 percent (4.34%) per year.

<u>COUNT</u>	<u>DEFENDANTS</u>	<u>AMOUNT</u>
I	JOANNE ESPARZA AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF JOANNE ESPARZA, MARKO ANGEL ESPARZA AND ANY AND ALL UNKNOWN HEIRS , DEVISEES AND OTHER CLAIMANTS OF MARKO ANGEL ESPARZA	\$ 23,786.00
II	TRISH ANN MCORMOND	\$ 10,855.22
III	MATIAS ALBERTO NAVARRO CROXATTO	\$ 13,153.87
V	WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS AND ANY AND ALL UNKNOWN HEIRS, DEVISEES AND OTHER CLAIMANTS OF WINFORD CRACE SALYERS A/K/A WINDFORD FRANCES C. SALYERS	\$ 9,238.03
<u>TOTAL</u>		\$57,033.12

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 below, on **October 7, 2022 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

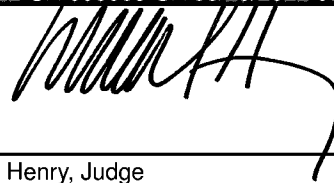
Plaintiff is not the purchaser of the property at the sale. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. All service charges assessed by 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 on this Monday, August 29, 2022 in Panama City, Bay County, Florida.

03-2022-CA-000068-CA 08/29/2022 09:23:11 AM



William S. Henry, Judge
03-2022-CA-000068-CA 08/29/2022 09:23:11 AM

Copies to:

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The Unknown Heir(s) of Joanne Esparza
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Matias Alberto Navarro Crozatto
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The Unknown Heirs of Winford Salyers
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Case # 22-000068-CA, HICV v. ESPARZA ET. AL.