

Filing # 181434312 E-Filed 09/08/2023 04:01:35 PM

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

CASE NO. 23000172CA

WELLS FARGO BANK, NA, AS TRUSTEE FOR
FREDDIE MAC SECURITIES REMIC TRUST
2005-S001

Plaintiff,

vs.

OMEGA 5 HOLDINGS LLC, AS TRUSTEE OF
SUNBIRD LAND TRUST; SUNBIRD OF
PANAMA CITY BEACH OWNERS
ASSOCIATION, INC.,; UNKNOWN PERSON(S)
IN POSSESSION OF THE SUBJECT
PROPERTY;

Defendants.

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on September 7, 2023 upon Plaintiff's Motion for Summary Final Judgment. Based on the Motion for Summary Judgment, the supporting affidavits, pleadings contained within the file and the defaults entered, the Court finds that there is no genuine issue of material fact and therefore IT IS ADJUDGED that the Motion is hereby GRANTED:

1. Amounts Due. Plaintiff, WELLS FARGO BANK, NA, AS TRUSTEE FOR FREDDIE MAC SECURITIES REMIC TRUST 2005-S001, c/o SELECT PORTFOLIO SERVICING, INC., Remittance processing, PO BOX 65450,, SALT LAKE CITY, Utah 84165-0450 is due:

A. As unpaid principal of the indebtedness agreed to be paid in the mortgage herein foreclosed and the note secured thereby	\$151,771.10
B. Interest through 09/07/23	12,524.77
C. Late Charges	307.03
D. Taxes	4,669.06
E. Property Inspections	90.00

F. Miscellaneous Expense	0.64
G. Clerk's filing fee	949.00
H. Service of process	192.00
SUBTOTAL	\$170,503.60
Attorney's fees	\$ <u>4,750.00</u>
TOTAL	\$ <u>175,253.60</u>

that shall bear interest from this date forward at the prevailing legal rate of interest. Plaintiff shall also recover such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of Sale, and any advances made by the Plaintiff subsequent to the date specified in item B of this paragraph which are proper under the terms of the note and mortgage foreclosed herein.

2. Lien on Property. The Court finds that service of process was properly effected on each of the Defendants. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s) OMEGA 5 HOLDINGS LLC, AS TRUSTEE OF SUNBIRD LAND TRUST; SUNBIRD OF PANAMA CITY BEACH OWNERS ASSOCIATION, INC.,; UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY; on the following described property in BAY County, Florida:

**CONDOMINIUM UNIT NO. W-1011, OF SUNBIRD, A CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 994, AT PAGE 1053 AND AMENDED IN OFFICIAL RECORDS BOOK 1544, PAGE 1200, OFFICIAL RECORDS BOOK 1743, PAGE 949, OFFICIAL RECORDS BOOK 1746, PAGE 1636 AND OFFICIAL RECORDS BOOK 1952, PAGE 1966, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA. TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS WHICH ARE APPURTENANT TO SAID UNIT AS SET OUT IN THE DECLARATION OF CONDOMINIUM.
a/k/a 9850 THOMAS DRIVE 1011 W, PANAMA CITY, FLORIDA 32408**

3. Sale of Property. If the total sum set forth in paragraph 1 with interest at the interest rate prescribed by law and all costs of this action and proper advances pursuant to paragraph 1 accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale on **November 6, 2023**, at 11:00 A.M., to the highest bidder for cash, except as prescribed in Paragraph 4, BY ELECTRONIC SALE AT: WWW.BAY.REALFORECLOSE.COM, in accordance with section 45.031, Florida Statutes.

4. Costs. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on 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. If prior to the sale, Plaintiff shall be required to advance any monies pursuant to the provisions hereof, then Plaintiff or its attorneys shall so certify to the Clerk of this Court, and the amount due to Plaintiff as set forth in paragraph 1 hereof shall be increased by the amount of such advances without further order of the Court. Plaintiff may assign its right to bid to a third party and, in that event, the Clerk of this Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee if Plaintiff or its assignee is the successful bidder at the sale.

5. Distribution of Proceeds. 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, Plaintiff's attorneys' fees; fourth, the total sum due to Plaintiff less the items paid, plus interest at the rate prescribed in paragraph 1

hereof from this date to the date of the sale; and by retaining any amount remaining pending the further order of this Court. All sums to be disbursed to Plaintiff shall be made payable to Plaintiff's Attorney, Kahane & Associates, P.A. Trust Account and mailed to 1619 NW 136th Avenue, Suite D-220, Sunrise, FLORIDA 33323.

6. Right of Redemption/Right of Possession. Upon filing of the Certificate of Sale by the Clerk of the Court, the Defendant and all persons claiming under or against Defendant since the filing of the notice of Lis Pendens shall be foreclosed of all estate or claim in the property and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes (2013) shall be terminated, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the Certificate of Title, the person named on the Certificate of Title 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 for the premises located at 9850 THOMAS DRIVE 1011 W, PANAMA CITY, FLORIDA 32408.

7. Attorneys' Fees. The requested attorneys' fees are a flat rate fee 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 the flat fee is reasonable.

8. Furthermore, upon the filing of the Certificate of Sale, any interest of SUNBIRD OF PANAMA CITY BEACH OWNERS ASSOCIATION, INC.,, including, but not limited to, its interest arising out of the CLAIM OF LIEN FOR ASSESSMENTS, which is recorded at Official Records Book 4533, Page 1980; NOTICE OF LIS PENDENS, which is recorded at Official

Records Book 4592, Page 521 are hereby foreclosed and shall not act as a lien against the property.

9. Jurisdiction Retained. Jurisdiction of this action is retained to enter further orders as are proper including, but not limited to, the following: a deficiency judgment; allow for a supplemental complaint to add omitted parties post-judgment; and provide for post judgment determination of the amount of association assessments due pursuant to Fla. Stat. §718.116 and /or §720.3085.

NOTICE PURSUANT § 45.031, FLORIDA STATUTES

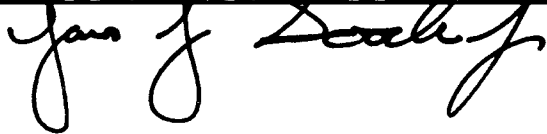
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

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. 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 CONTACT THE CLERK OF THE COURT, 300 EAST 4TH STREET, PANAMA CITY, FLORIDA 32401 (TELEPHONE: (850) 763-9061), WITHIN 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 LEGAL SERVICES OF NORTH FLORIDA, INC., 211 EAST 11TH STREET, PANAMA CITY, FLORIDA 32401 TELEPHONE: (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 SERVICES OF NORTH FLORIDA, INC. YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED this Friday, September 8, 2023 in Panama City, BAY County, Florida.

03-2023-CA-000172-CA 09/08/2023 03:01:07 PM



James J. Goodman, Judge
03-2023-CA-000172-CA 09/08/2023 03:01:07 PM

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