

Filing # 210033139 E-Filed 10/31/2024 04:09:25 PM

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

TECHO HOLDINGS I, LLC, a
Delaware limited liability company,

Plaintiff,

vs.

Case No.: 23-1091-CA

JCF PANAMA CLARA NORTH, LLC,
a Delaware limited liability company,
JCF HUNTSVILLE II MANAGER, LLC,
a Delaware limited liability company,
JCF LEBANON MANAGER, LLC,
a Delaware limited liability company, and
UNKNOWN TENANTS.

Defendants.

1FINAL JUDGMENT

This action came before the court. On the evidence presented

IT IS ADJUDGED that:

1. Amounts Due. Plaintiff, YHOF III PROPERTIES LLC, a Delaware limited liability company, whose mailing address is 2021 Fillmore Street #2101, San Francisco, CA 94115, is due the following:

Principal	\$1,650,000.00
Interest to date of this judgement	\$534,339.87
Exit Fees	\$33,000.00
Loan Advances	\$5,290.38
Title Search Expense	\$75.00
Attorney's fees total (through November 30, 2022)	\$67,371.00
Court costs, now taxed	\$2,012.04
Service of Process Fees	\$324.85
Subtotal	\$2,292,413.14

LESS: Escrow balance	0.00
LESS: Other	0.00
TOTAL	\$2,292,413.14

That shall bear interest at the statutory rate (currently 9.50% per year).

2. Lien on Property. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in Bay County, Florida (the "Property"):

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY FLORIDA.

LESS AND EXCEPT ANY PORTION THEREOF, CONVEYED TO JCF PANAMA CLARA, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BY VIRTUE OF THAT CERTAIN SPECIAL WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 4295, PAGE 2341, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1221, PAGE 1799, AND ASSIGNED BY ASSIGNMENT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2475, PAGE 1801, UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 60 FEET OF THE NORTH 210 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA, ALSO THE SOUTH 60 FEET OF THE NORTH 210 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA, LYING EAST OF A PERPETUAL EASEMENT FOR ROAD AND HIGHWAY PURPOSES AS DESCRIBED IN DEED BOOK 206, PAGE 581, OF THE PUBLIC RECORDS OF SAID COUNTY.

AND ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1221, PAGE 1801, AND ASSIGNED BY ASSIGNMENT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2475, PAGE 1801, UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

THE NORTH 60 FEET OF THE SOUTH 210 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA, LYING EAST OF A PERPETUAL EASEMENT FOR ROAD AND HIGHWAY PURPOSES AS

DESCRIBED IN DEED BOOK 206, PAGE 581 OF THE PUBLIC RECORDS
OF SAID COUNTY.

3. Sale of Property. 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 must sell the property at public sale on January 6, 2025, to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 300 E. 4th Street, Panama City, Florida, 32401, in Bay County, Florida, in accordance with section 45.031, Florida Statutes, using the following method (CHECK ONE):

- At the lobby of the Bay County Courthouse, beginning 11:00 am. Central Time.
- By electronic sale beginning at 11:00 a.m., Central Time, on the prescribed date at www.bay.realforeclose.com

4. Costs. Plaintiff must advance all subsequent costs of this action and must 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 must be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, the clerk must 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.

5. Distribution of Proceeds. On filing the certificate of title the clerk must 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 from this date to the date of the sale; and by retaining any remaining amount pending further order of this court.

6. Right of Redemption/Right of Possession. On filing the certificate of sale, defendant(s) and all persons claiming under or against defendant(s) since the filing of the notice of lis pendens must be foreclosed of all estate or claim in the property and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes, must be terminated, except as to the rights of a bona fide tenant occupying residential premises under the federal Protecting Tenants at Foreclosure Act, 12 U.S.C § 5220, note, or section 83.5615, Florida Statutes, and claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On the filing of the certificate of title, the person named on the certificate of title must be let into possession of the property, subject to the rights of a bona fide tenant occupying residential premises under the federal Protecting Tenants at Foreclosure Act, 12 U.S.C. § 5220, note, or section 83.5615, Florida Statutes.

7. Attorneys' Fees. The court finds, based on the affidavits presented and on inquiry of counsels for the plaintiff that 165.3 hours of attorney time and 11.0 hours of paralegal time were reasonably expended by plaintiff's counsel and that an hourly rate of between \$275.00-\$440.00 for attorneys is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to *Florida Patients Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985). (If

the court has found that there are reduction or enhancement factors to be applied, then such factors must be identified and explained herein).

8. Jurisdiction Retained. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment.

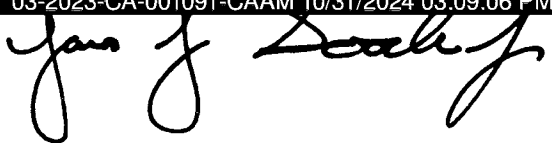
9. Re-establishment of Lost Mortgage. The Court finds that Plaintiff proved the terms of the lost mortgage and its right to enforce the instruments as set forth under F.S. §673.3091. Plaintiff herein agrees to indemnify and hold harmless Defendants from all loss, liability, costs, damages, reasonable attorney's fees and expenses arising out of the representations made in the Affidavit of Lost Instrument filed in this action and for any loss it may incur by reason of a claim by any other person or entity to enforce the lost mortgage. Since adequate protection is therefore provided, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost mortgage.

10. Reformation of Mortgage. The Court further finds the legal description referenced in the mortgage contained a scrivener's error which had the incorrect legal description regarding the Property. The Court further finds that the legal description provided in Paragraph 2 above is the correct legal description that should have been attached to the mortgage when it was recorded in order to reflect the true intentions of the parties. The mortgage dated December 22, 2021, recorded on December 27, 2021 in Official Records Book 4503, Page 1397, in the Public Records of Bay County, Florida is hereby reformed as to the above referenced legal description, Nunc Pro Tunc to December 22, 2021.

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.

DONE AND ORDERED this Thursday, October 31, 2024 in Panama City, Bay County, Florida.

03-2023-CA-001091-CAAM 10/31/2024 03:09:06 PM

James J. Goodman, Judge
03-2023-CA-001091-CAAM 10/31/2024 03:09:06 PM

Copies provided to:

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