

Filing # 229527589 E-Filed 08/15/2025 01:23:55 PM

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

**KRISTIN RYALS,**

**Plaintiff,**

**Case No.: 24-CA-812**

vs.

**MJD GLOBAL DISASTER RESTORATION, LLC,  
JEAN M. DELVAR and MARIE E. DELVAR**

**Defendants.**

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**AMENDED FINAL SUMMARY JUDGMENT IN FORECLOSURE**

**THIS CAUSE** having come before the Court on Plaintiff's motion for final summary judgment in foreclosure, and the Court having heard argument of counsel and been otherwise apprised in the premises thereof, it is hereby

**ORDERED AND ADJUDGED** that plaintiff's motion is granted. The Court finds there is no issue of material fact as to whether plaintiff owns and holds the note, the validity of the mortgage, the breach of MJD Global Restoration's obligations under the note and mortgage, or the amounts due per the Ryals affidavit. The Court further concludes that none of the affirmative defenses raised by defendant MJD Global Restoration preclude the entry of summary judgment. With regard to the allegation that the plaintiff failed to provide a thirty-day grace period before commencing this lawsuit after service of the two demand and acceleration letters, Florida law holds that a showing of substantial compliance with the obligation to provide notice is a condition precedent, which in this case may or may not have been an actual condition based on the language of the amended note. To the extent a defendant contests substantial compliance, it must come forward with evidence of prejudice occasioned by the early filing of the suit. *Denton v. HSBC Bank, N.A.*, 290 So.3d 72 (Fla. 4th DCA 2020). No such evidence was presented in

opposition to the motion. The Court further finds that the affidavits filed in opposition to the motion for summary judgment failed to create an issue of material fact based on defense counsel's concession at the hearing that the real property subject to the mortgage was not owner-occupied.

Based on the foregoing, it is hereby

**ORDERED AND ADJUGED** that summary final judgment is granted in favor of plaintiff, Kristen Ryals, and against defendant, MJD Global Restoration, LLC, on Counts One and Two of the verified complaint. Plaintiff is entitled to judgment in the total amount of \$189,477.24, for which let execution issue. The Court further finds that the plaintiff is entitled in equity to the foreclosure sale of the property encumbered by the mortgage at 1337 Everett Ave., Panama City, Florida, the legal description of which is as follows:

**The North half of the Southeast Quarter of the Northwest Quarter of Northwest Quarter of Section 2, Township 4 South, Range 14 West, Less and Except the West 315 feet thereof, and all that part of the North half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 2, Township 4 South, Range 14 West, lying West of Everitt Avenue, all being in Bay County, Florida.**

Said foreclosure sale shall take place on **September 2, 2025**, to commence at **11:00 a.m.**  
**central time.**

Pursuant to sec. 45.031, Florida Statutes, the following notice is provided:

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 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.

The Court reserves jurisdiction for the award of fees and costs.

**DONE AND ORDERED** in Chambers this Friday, August 15, 2025 at Panama City,

Bay County, Florida.

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William S. Henry, Judge

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Copies to:

Mathieu Sath Son  
serv521@legalbrains.com

Michael P Dickey  
michael@mpdickeylaw.com  
jfrymire76@yahoo.com  
jfrymire76@outlook.com

Brent Day  
Serv536@legalbrains.com  
Bday@legalbrains.com  
jlozano@legalbrains.com

Lana Crucin  
lana@dunlapshipman.com  
Kerri@dunlapshipman.com  
stephanie@dunlapshipman.com

Tiffany Handy  
Serv521@legalbrains.com