

FILED 04/21/2016 12:40:37

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IN THE CIRCUIT COURT FOR THE  
FOURTH JUDICIAL CIRCUIT IN AND FOR  
CLAY COUNTY, FLORIDA CIRCUIT CIVIL  
DIVISION

GREEN TREE SERVICING LLC  
3000 Bayport Drive, Suite 880  
Tampa, FL 33607

Plaintiff(s),

vs.

EDDIE A. WISDOMA/K/A EDDIE WISDOM; CASE NO.: 2010-CA-1059  
MALON M. WISDOMA/K/A MALON  
WISDOM;  
EAGLE LANDING AT OAKLEAF  
PLANTATION HOMEOWNERS'  
ASSOCIATION, INC.;  
UNITED STATES OF AMERICA,  
DEPARTMENT OF TREASURY;

Defendant(s).

CONSENT  
FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was tried before the court on 4/19/16. On the evidence  
presented,

IT IS ADJUDGED that:

1. Plaintiff, **Ditech Financial LLC F/K/A Green Tree Servicing LLC, 3000  
Bayport Drive, Suite 880**

Tampa, FL 33607 is due:

Principal:

\$ 416,987.53

Interest to date of this judgment: \$ 202,692.35  
 Corporate Advances: \$ 71,966.49  
 Late Fees: \$ 760.13

**Attorneys' Fees:**

Finding as to reasonable number of hours \_\_\_\_\_  
 Finding as to reasonable hourly rate \$ \_\_\_\_\_  
 Other: \_\_\_\_\_

Attorneys' Fees Total: \$ \_\_\_\_\_

**Court Costs, Now Taxed:**

Filing fee \$ \_\_\_\_\_  
 Service of Process: \$ \_\_\_\_\_  
 Publication for \_\_\_\_\_ \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_

Court Costs Total: \$ \_\_\_\_\_

**GRAND TOTAL \$ 692,406.50**

that shall bear interest at the rate of 4.78% a year.

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

Lot 116, EAGLE LANDING AT OAKLEAF PLANTATION PHASE TWO, according to plat thereof as recorded in Plat Book 48, pages 1 through 30, inclusive, of the public records of Clay County, Florida..

Property address: 4194 Eagle Landing Parkway, Orange Park, FL 32065

3. If the grand total amount 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 subject property at public sale on June 30, 2016, to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes, using the following method: at the front

steps of the Clay County Clerk of Courts, 825 North Orange Avenue, Room 1049, Green Cove Springs, Florida 32043, beginning at 10:00 AM, on the prescribed date.

4. 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 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.
5. 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 the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorneys' fees; fourth, the total sum due to the 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 the further order of this Court. If proceeds are to be distributed to Plaintiff or Plaintiff's Counsel, the Clerk is authorized to issue a single check made payable to counsel for Plaintiff.
6. On filing of the Certificate of Sale, Defendant(s) and all persons claiming under or against Defendant(s) since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property, 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. Notwithstanding the foregoing, the rights of any condominium or homeowners' association to collect unpaid assessments from any subsequent title holder, including the first mortgage holder, shall be preserved and shall be governed as provided in Section 718.116 and 720.3085, Florida Statutes, subject to limitations as set-forth in *Coral Lakes Community Association, Inc. v. Busey Bank, N.A.*, 30 So. 3d 579 (Fla. 2d DCA 2010).

~~7. The court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff, that \_\_\_\_\_ hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$\_\_\_\_\_ 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 therein).~~

~~If the fees to be awarded are a flat fee, 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 that the flat fee is reasonable.~~

Plaintiff incurred attorneys' fees during the prosecution of this action, but has chosen to forego having the court include said fees in the final judgment.

Therefore, the Court renders no opinion as to the reasonableness of the fees and make no provision for said fees in this final judgment.

8. **If the Plaintiff is the purchaser at the sale, the Plaintiff's bid is hereby assigned to Federal National Mortgage Association and the Clerk of Court is hereby directed to issue a Certificate of Title to the assignee named therein.**
9. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments, re-foreclosure or a supplemental complaint to add an omitted party post-judgment.
10. **THE UNITED STATES OF AMERICA, by virtue of the certain Federal Tax Lien Dated March 2, 2011, and recorded in Official Records Book 3290, Page 931, of the Public Records of Clay County, may claim a right to the funds remaining after the sale in accordance of law. If said Judgment is not paid the United States of America shall have a period of one year from the sale to redeem the property or with respect to a lien arising under the internal revenue laws, a period of 120 days. 28 U.S.C. 2410. The United States shall not be bound by the sixty (60) day time period imposed by Sec. 45.032 Fla. Stat. upon motions for distribution of surplus proceeds.**
11. **THE UNITED STATES OF AMERICA, by virtue of the certain Federal Tax Lien Dated June 8, 2012, and recorded in Official Records Book 3420, Page 988, of the Public Records of Clay County, may claim a right to the funds remaining after the sale in accordance of law. If said Judgment is not paid**

the United States of America shall have a period of one year from the sale to redeem the property or with respect to a lien arising under the internal revenue laws, a period of 120 days. 28 U.S.C. 2410. The United States shall not be bound by the sixty (60) day time period imposed by Sec. 45.032 Fla. Stat. upon motions for distribution of surplus proceeds.

**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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

(If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type.)

**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 CHECK WITH THE CLERK OF THE COURT FOR CLAY COUNTY, TELEPHONE: (904) 269-6302, 825 NORTH ORANGE AVENUE, P.O. BOX 698, GREEN COVE SPRINGS, FL 32043, WITHIN (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 THREE RIVERS LEGAL SERVICES, 3225 UNIVERSITY BOULEVARD SOUTH, SUITE 220, JACKSONVILLE, FL 32216, 904-394-7450, 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 THREE RIVERS LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS**

**POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE AND ORDERED** at Green Cove Springs, Clay County, Florida, this the 19<sup>th</sup>  
day of April, 2016.



CIRCUIT COURT JUDGE

Copies to: See Attached Service List

Case Green  
4/21/2016  
13:46:42

**SERVICE LIST FOR FINAL JUDGMENT OF FORECLOSURE**  
**(Clay County Case No.: 2010-CA-1059)**

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Eagle Landing at Oakleaf Plantation Homeowners' Association, Inc.  
C/O Leland Management, Inc, RA  
6972 Lake Gloria Boulevard  
Orlando, FL 32809

United States of America, Department of Treasury  
C/O U.S. Attorney  
400 North Tampa Street, Suite 3200  
Tampa, FL 33602