

12/8/2016 9:59 AM Tara S. Green

**IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT IN AND FOR CLAY COUNTY, FLORIDA
CIVIL ACTION**

**THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW
YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF
CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2005-
30, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-
30,**

Plaintiff,

CASE NO.: 10-2014-CA-000541

vs.

DIVISION:

**KATHRYN L. MILLER; GARRETT E. MILLER; GORMAN CO. A
DIVISION OF HAJOCA CORPORATION; OAK PARK
HOMEOWNERS ASSOCIATION, INC.; REGIONS BANK
SUCCESSOR BY MERGER TO AMSOUTH BANK; UNKNOWN
TENANT # 1 NKA JEFF BOYER; UNKNOWN TENANT #2 NKA
JENNIFER BOYER; UNKNOWN SPOUSE OF KATHRYN L.
MILLER; UNKNOWN SPOUSE OF GARRETT E. MILLER; ANY
AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER, AND AGAINST THE HEREIN NAMED INDIVIDUAL
DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR
ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS**

Defendant(s).

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court at the Non-Jury Trial held on October 20, 2016. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1. The Plaintiff's Final Judgment is GRANTED. Service of process has been duly and regularly obtained over Kathryn L. Miller; Garrett E. Miller; Gorman Co. A Division of Hajoca Corporation; Oak Park Homeowners Association, Inc.; Regions Bank Successor by merger to Amsouth Bank; Unknown Tenant # 1 nka Jeff Boyer; Unknown Tenant #2 nka Jennifer Boyer; Unknown Spouse of Kathryn L. Miller; Unknown Spouse of Garrett E. Miller, any and all unknown parties claiming by, through, under, and against the herein named individual defendant(s) who are not known to be dead or alive, whether said unknown parties may claim an interest in spouses, heirs, devisees, grantees, or other claimants defendants.

2. There is due and owing to the Plaintiff the following:

| | |
|---|--------------|
| Principal due on the note secured by the mortgage foreclosed: | \$421,271.43 |
| Interest on the note and mortgage from November 1, 2009 to October 20, 2016 | \$179,783.98 |
| Pre-Accelerated Late Charges | \$11,567.97 |
| Escrow Advance | \$49,333.39 |

| | |
|--------------------|------------|
| Additional Costs: | |
| Corporate Advances | \$1,025.00 |

| | |
|--------------------|---------------------|
| GRAND TOTAL | \$662,981.77 |
|--------------------|---------------------|

3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

4. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2005-30, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-30, whose address is c/o DITECH FINANCIAL LLC, 7360 S. Kyrene, T-108, Tempe, AZ 85283, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and Section 720.3085. The Plaintiff's lien encumbers the subject property located in Clay County, Florida and described as:

LOT 1, OAK PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 31, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

Property address: 49 SWIMMING PEN DR, MIDDLEBURG, FL 32068

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale to the highest bidder on Jan. 23, 2017, at 10:00AM, to the highest bidder for cash, except as prescribed in Paragraph 6, at ~~Room 103A of the Clay County Courthouse, 825 North Orange Avenue, Green Cove Springs, FL 32043~~, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk shall not conduct the sale in the absence of the Plaintiff or its representative.

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6. Plaintiff shall advance all subsequent costs of this action in addition to any advances to protect its collateral and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for 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. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

7. On filing of the Certificate of Sale, defendant's right of redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

8. 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 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.

9. Upon filing of the Certificate of Title, 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 the purchaser at sale shall be let into possession of the property.

10. **NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST. (2006).**

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, 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 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, CLAY COUNTY CLERK OF COURTS ATTN: FORECLOSURE P.O. BOX 698 GREEN COVE SPRINGS, FL 32043 CLAY COUNTY CLERK OF COURTS ATTN: FORECLOSURE 825 NORTH ORANGE AVENUE GREEN COVE SPRINGS, FL 32043, [TELEPHONE: 904-269-6302 x6566], 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 JACKSONVILLE AREA LEGAL AID, INC., P.O. BOX 1999, GREEN COVE SPRINGS, FL 32043 TELEPHONE: (904) 284-8410, 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 FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

11. If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order of this court.

12. The Court finds that Plaintiff has standing to seek and receive the relief obtained herein.

13. Any funds payable from third party funds including attorney fees and costs shall be made payable to Plaintiff.

14. The Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: orders related to pursuit and entry of deficiency judgment, if Defendant has not been discharged in bankruptcy, or it is not prohibited by federal law or mutual settlement agreement; orders granting additional attorney's fees and costs; writs of possession; orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to sections 718.116 or 720.3085 of the Florida Statutes; orders arising out of re-foreclosure, to include permitting a supplemental complaint to add an interest-holder, and/or; orders involving reformation of the mortgage instrument or deed to perfect title.

15. The note that is the subject of this action is hereby re-established. Pursuant to Florida Statute Section 673.3091, Plaintiff hereby indemnifies Defendants from claims made by third parties asserting rights under the note based upon possession of the original.

ORDERED at Clay County, Florida on December 7, 2016.



Circuit Judge

AB-14-148056

Copies furnished to:

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Gorman Co. A Division of Hajoca Corporation
c/o Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301

Oak Park Homeowners Association, Inc.
Secretary of State
2661 Executive Center Circle
Tallahassee, FL 32301

Regions Bank Successor by merger to Amsouth Bank
c/o McCumber, Daniels, Buntz Hartig & Puig, P A
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Tampa, FL 33609
E-Serve 1: commercialEservice@mccumberdaniels.com

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Unknown Spouse of Garrett E. Miller
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