

3/16/2017 11:14 AM Tara S. Green

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

VANDERBILT MORTGAGE AND FINANCE, INC.
P.O. Box 9800
Maryville, TN 37802

Plaintiff(s),

vs.

THOMAS B. FINNEY;

CASE NO.: 2016-CA-000812

Defendant(s).

_____ /

FINAL SUMMARY JUDGMENT OF FORECLOSURE

THIS ACTION came before the Court for hearing on **March 15, 2017**, upon Plaintiff's Motion for Summary Judgment of Foreclosure. The Court having reviewed the instant Motion, supporting affidavits, the court file, having heard argument of counsel and being otherwise fully advised in the premises,

IT IS ADJUDGED that:

1. The Court has jurisdiction of the subject matter of the parties of this cause.
2. There are no genuine issues of material fact; therefore, Plaintiff's Motion for Summary Judgment of Foreclosure is **GRANTED**.
3. Plaintiff, **VANDERBILT MORTGAGE AND FINANCE, INC.**, P.O. Box 9800, Maryville, TN 37802 is due:

Principal:	\$64,237.20
Interest from 01/01/2016 to 12/22/2016 Per Diem \$18.66	\$7,219.56
Interest to date of this judgment:	\$1,548.78
Late Charges:	\$40.00
Escrow:	\$97.40
Advances:	\$4,990.81

Attorneys' Fees:

Finding as to reasonable number of hours	7.80	
Finding as to reasonable hourly rate	\$250.00	
Attorneys' Fees Total:		\$1,950.00

Court Costs, Now Taxed:

Filing fee	\$967.73	
Lis Pendes recording fee	\$9.00	
Title Search and Exam fee	\$325.00	
Service of Process	\$420.00	
Background Search	\$10.60	
Alias Summons	\$10.35	
Recording Death Certificate	\$14.50	
Death Certificate	\$5.00	
GAP Search	\$65.00	
Certificate mail	\$25.00	
Court Costs Total:		\$1,852.18

GRAND TOTAL **\$81,935.93**

that shall bear interest at the legal rate, which was 4.97% per annum as of January 1st, 2017.

4. 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 22, Ivy Woods, according to the plat thereof as recorded in Plat Book 12, page 58 and 59 of the public records of Clay County, Florida.

Together with that certain Double Wide Mobile Home Identification Numbers WHC014800GA-A and WHC014800GA-B

Commonly known as 3862 Darlene Rd., 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 this Court shall sell the subject property at public sale on 19 April 2017, to the highest bidder for cash, except as prescribed in paragraph 6, in accordance with Section 45.031, Florida Statutes, using the following method: at www.clay.realforeclose.com, beginning at 10:00 AM, on the prescribed date.
6. 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.
7. 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 3 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.

8. 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).
9. The court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff, that 7.80 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$250.00 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).

10. 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.
11. The Final Judgment is an *in rem* judgment against the Defendant(s): **THOMAS B. FINNEY**, and there are no *in personam* damages or costs against said Defendant(s). A deficiency judgment may be sought against only those defendants who executed or assumed the Note, who were personally served in this action, and whose debts have not been discharged in bankruptcy.

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.

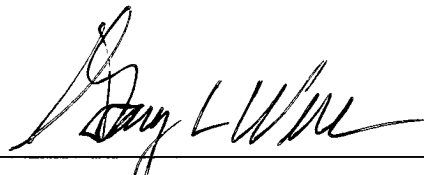
IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF 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, FL, this the 15th day of March, 2017.



Circuit Court Judge

Copies to: See Attached Service List

SERVICE LIST FOR FINAL JUDGMENT OF FORECLOSURE
(Clay County Case No.: 2016-CA-000812)

Padgett Law Group, Attorney for Plaintiff
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
attorney@padgettlaw.net

Thomas B. Finney
3862 Darlene Rd.
Middleburg, FL 32068

0• *

64,237•2	+
7,219•56	+
1,548•78	+
40•	+
97•4	+
4,990•81	+
1,950•	+
1,852•18	+
81,935•93	*

0• C