

4/27/2017 11:19 AM Tara S. Green

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

<b>U.S. BANK NATIONAL ASSOCIATION,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>JOHN DIAZ; TAMMY MCGRATH A/K/A TAMERA MCGRATH, UNKNOWN SPOUSE OF JOHN DIAZ; UNKNOWN SPOUSE OF TAMMY MCGRATH A/K/A TAMERA MCGRATH; UNKNOWN PARTY IN POSSESSION 1; UNKNOWN PARTY IN POSSESSION 2,</b>  <b>Defendants.</b>	<b>CASE NO.: 2014-CA-000902</b>
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**FINAL JUDGMENT OF FORECLOSURE**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment on April 26, 2017. On the evidence presented, **IT IS ADJUDGED** that a Final Judgment of Foreclosure is **ENTERED** against all Defendants listed by name: John Diaz and Tammy McGrath A/K/A Tamera McGrath.

1. **Amounts Due.** Plaintiff, U.S. Bank National Association, 4801 Frederica Street, Owensboro, KY 42301 is due:

Principal	\$99,818.59
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Interest From: 03/01/13 to 01/29/16 at 5.25% (per diem \$14.36)	\$15,250.15
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<b>SUBTOTAL</b>	<b>\$115,068.74</b>
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Escrow Advances	\$3,165.72
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County Taxes \$1,472.41

(2015 = \$496.93)

(2014 = \$493.53)

(2013 = \$481.95)

Hazard Insurance Premiums \$795.00

(2015 = \$170.00)

(2014 = \$193.00)

(2013 = \$432.00)

Flood Insurance Premiums \$420.00

(2015 = \$162.00)

(2014 = \$129.00)  
(2013 = \$129.00)

**Mortgage Insurance Premiums \$807.70**

(2016 = \$30.70)  
(2015 = \$369.00)  
(2014 = \$376.15)  
(2013 = \$31.85)

Escrow Credits (\$329.39)

Attorney's Costs	\$835.33
Attorney's Fees Total	\$1,575.00
<b>TOTAL</b>	<b>\$120,644.79</b>

That shall bear interest at the rate of 5.05% a year.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), John Diaz and Tammy McGrath A/K/A Tamera McGrath on the following described property in Clay County, Florida:

Lot 13, Block 46, JACKSONVILLE SOUTH UNIT ONE, according to plat thereof, as recorded in Plat Book 10, page 39, of the public records of Clay County, Florida.

Together with that certain 1998, GENERAL MAKE, mobile home bearing identification numbers GMHGA4379717644A & GMHGA4379717644B, being 24 x 36 in size, which, by intention of the parties and upon retirement of the certification of title as provided in 319.261 F.S. shall constitute a part of the realty and shall pass with it.

Property Address: 258 Aster Avenue, Middleburg, FL 32068

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 shall sell the property at public sale on 12 June 2017 to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 825 N. Orange Avenue, in Clay County in Green Cove Springs, Florida, in accordance with Section 45.031, Florida Statutes (2013), using the following method:

(CHECK ONE):

- ☐ At \_\_\_\_\_, in the Front Lobby, beginning at \_\_\_\_\_ on the prescribed date.
- ☒ By electronic sale beginning at 10:00 a.m. ET on the prescribed date at

Clay.RealForeclose.com (website).

4. **Costs.** 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 the 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. **Distribution of Proceeds.** 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 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 the 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 shall be foreclosed of all estate or claim in the property and Defendants' right of redemption as prescribed by section 45.0315, Florida Statutes (2013), shall be terminated, 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.
7. **Attorney's Fees.** Because a default judgment has been entered against the mortgagor and because the fees requested do not exceed 3% of the principal amount owed at the time complaint was filed, it is not necessary for the Court to hold a hearing or adjudge the requested attorney's fees to be reasonable.
8. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgments.

**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 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 CONTACT THE CLERK OF THE COURT, FOR CLAY COUNTY, FLORIDA 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, INC., 126 W. ADAMS STREET, SUITE 101, JACKSONVILLE, FLORIDA 32202, PHONE: 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, INC., 126 W. ADAMS STREET, SUITE 101, JACKSONVILLE, FLORIDA 32202, PHONE: 904-394-7450 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Clay County, Green Cove Springs, Florida, on this  
26 April, 2017.

  
Circuit Judge

**SERVICE LIST**

Sirote & Permutt, P.C.  
1115 East Gonzalez Street  
Pensacola, FL 32503  
[floridaservice@sirote.com](mailto:floridaservice@sirote.com)

John Diaz  
258 Aster Avenue  
Middleburg, FL 32068

Tammy McGrath  
A/K/A Tamera McGrath  
258 Aster Avenue  
Middleburg, FL 32068