

8/2/2017 3:05 PM Tara S. Green

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

FIRST GUARANTY MORTGAGE CORPORATION, Plaintiff, v. DAVID KILCREASE A/K/A DAVID L. KILCREASE; MALEANA J. KILCREASE; UNKNOWN PARTY IN POSSESSION 1; UNKNOWN PARTY IN POSSESSION 2; CLAY COUNTY CLERK OF COURT, Defendants.	CASE NO.: 2016-CA-000392
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IN REM FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Order to Show Cause. The Court having reviewed Plaintiff's Motion for Order to Show Cause for Entry of Final Judgment of Foreclosure, the Order to Show Cause, the verified Complaint and all other documents pertinent to this action, **IT IS ADJUDGED** that an In Rem Final Judgment of Foreclosure is **ENTERED** against all Defendants listed by name: David Kilcrease a/k/a David L. Kilcrease; Maleana J. Kilcrease; and Clay County Clerk of Court.

1. **Amounts Due.** Plaintiff, First Guaranty Mortgage Corporation care of Fay Servicing, 440 S. LaSalle Street, Suite 2000, Chicago, IL 60605, is due:

Principal	\$131,608.94
Interest From: 11/01/14 to 05/01/17 at 4.50% (per mensum \$493.53)	\$14,797.93
SUBTOTAL	\$146,406.87
Pro Rata MIP/PMI	\$255.82
Escrow Advance	\$8,352.90
Recoverable Balance	\$4,260.99
TOTAL	\$159,276.58

That shall bear interest at the rate of 5.17% a year.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s), David Kilcrease a/k/a David L. Kilcrease; Maleana J. Kilcrease; and Clay County Clerk of Court on the following described property in Clay County, Florida:

A parcel of land situated in the Southeast 1/4 of Section 22, Township 4 South, Range 24 East, Clay County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence on the Easterly line thereof run North 00 degrees 21 minutes 30 seconds West 1590.42 feet; thence South 89 degrees 57 minutes 00 seconds West 1344.0 feet; thence South 00 degrees 21 minutes 30 seconds East 15.0 feet; thence South 89 degrees 57 minutes 00 seconds West 1313.00 feet to the West line of said Southeast 1/4; thence on last said line North 00 degrees 15 minutes 00 seconds West 411.42 feet to the point of beginning; thence continue on last said line North 00 degrees 15 minutes 00 seconds West 137.14 feet; thence North 89 degrees 57 minutes 00 seconds East 349.40 feet; thence South 00 degrees 15 minutes 00 seconds East 137.14 feet; thence South 89 degrees 57 minutes and 00 seconds West 349.40 feet to the point of beginning, being 1.10 acres, more or less.

Together with and subject to an easement for ingress, egress and utilities covering the following described parcel of land:

Commence at the Southeast corner of said Section 22; thence on the Easterly line thereof run North 00 degrees 21 minutes 30 seconds West 1560.42 feet to the point of beginning; thence continue North 00 degrees 21 minutes 30 seconds West 30.0 feet; thence South 89 degrees 57 minutes 00 seconds West 1314.0 feet; thence North 00 degrees 21 minutes 30 seconds West 15.0 feet; thence South 89 degrees 57 minutes 00 seconds West 973.54 feet; thence North 00 degrees 15 minutes 00 seconds West 510.56 feet; thence South 89 degrees 57 minutes 00 seconds West 40.0 feet; thence South 00 degrees 15 minutes 00 seconds East 563.56 feet; thence North 89 degrees 57 minutes 00 seconds East 2327.62 feet to the point of beginning.

Together with the certain 2012 Jacobsen mobile home located thereon bearing model no. IMP-7604 and serial no. JAC FL 30405 ABC Imperial.

Property Address: 976 McLaughlin Lane, 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 19 September 2017 to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes (2013), using the following method:

(CHECK ONE):

- ☐ At the courthouse located at 825 N. Orange Avenue, in Clay County in Green

Cove Springs, Florida, beginning at 10:00 a.m. ET on the prescribed date.

- ☒ By electronic sale beginning at 10:00 a.m. ET on the prescribed date at www.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. **Attorneys' 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 attorneys' 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.

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.

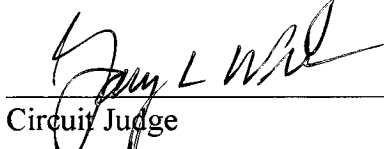
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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 2 August, 2017.


Circuit Judge

SERVICE LIST

Sirote & Permutt, P.C.
1115 East Gonzalez Street
Pensacola, FL 32503
floridaservice@sirote.com

David Kilcrease
a/k/a David L. Kilcrease
976 McLaughlin Lane
Middleburg, FL 32068

Maleana J. Kilcrease
976 McLaughlin Lane
Middleburg, FL 32068

Clay County Clerk of Court
825 North Orange Avenue
Green Cove Springs, FL 32043