

11/8/2017 2:59 PM Tara S. Green

IN THE CIRCUIT COURT OF THE 4TH
JUDICIAL CIRCUIT, IN AND FOR
CLAY COUNTY, FLORIDA
CIVIL DIVISION

CASE NO.: 2017-CA-000568

VYSTAR CREDIT UNION F/K/A JAX
NAVY CREDIT UNION F/K/A JAX NAVY
FEDERAL CREDIT UNION,
Plaintiff,

vs.

ELAINE C. BAUER; UNKNOWN SPOUSE OF
ELAINE C. BAUER; DOCTORS LANDING
HOMEOWNERS ASSOCIATION, INC.;
UNKNOWN TENANT #1 AND TENANT #2 AS
TENANTS IN POSSESSION OF THE SUBJECT
PROPERTY,

Defendant(s).

FINAL JUDGMENT OF MORTGAGE FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on November 8, 2017. On the evidence presented, it is

ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained ELAINE C. BAUER and TENANT #1 N/K/A HUNTER BOYD, as Defendants.
2. **Amounts Due.** Plaintiff, VYSTAR CREDIT UNION, whose address is P.O. Box 41145, Jacksonville, FL 32203-1145, is due the following:

Principal due on the note secured by the mortgage foreclosed	\$94,528.10
Interest on the note and mortgage (from 12/1/16 to 8/21/17)	\$2,898.45
Per diem interest @ \$11.00 (from 8/22/17 to 11/8/17)	\$858.00

Pre-acceleration late charges	\$490.39
Property inspections	\$55.00
Title search expenses (\$300.00 total / \$150.00 allowed)	\$150.00
Service of process	\$200.00
Attorney fees total	\$1,500.00
Court costs, now taxed – Clerk filing fee	<u>\$965.00</u>
SUBTOTAL	<u>\$101,644.94</u>
LESS: Escrow/suspense credit from positive escrow	-(\$909.60)
GRAND TOTAL	<u>\$100,735.34</u>

that shall bear interest at a rate of 5.35% per year.

3. **Lien on Property.** Plaintiff holds a Purchase Money Mortgage lien for the total sum specified herein. Said lien is superior to all claims or estates of Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s) or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and 720.3085, if any. The Plaintiff's lien encumbers the subject property located in Duval County, Florida and described as:

LOT 51, DOCTORS LANDING, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE(S) 16, 17, 18, AND 19, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

Property Address: 3133 Nautilus Drive, Middleburg, FL 32068

4. **Sale of Property.** If the grand total amount with interest at the rate described in Paragraph 2 and all costs accrued subsequent to this Final Judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on February 12, 2018, to the highest bidder for cash, except as prescribed in Paragraph 5, in accordance with Section 45.031, Florida Statutes,

- By electronic sale beginning at 10:00 a.m. on the prescribed date above at www.clay.realforeclose.com.

5. **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, without further order of this Court, 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.

6. **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 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, said sum to be paid in the name of Plaintiff in care of Plaintiff's attorney; and by retaining any remaining amount pending the further Order of this Court. 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.

7. **Right of Redemption/Right of Possession.** Upon the 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, and defendant's right of redemption as prescribed by Section 45.0315 Florida Statutes shall be terminated, except as to claims or rights under Chapter 718 or Chapter 720, Florida Statutes, if any. Upon filing said Certificate of Sale the Defendants' right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated. Upon the filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property. *If any Defendant(s) remain(s) in possession of the property, the Clerk shall, without further Order of the Court, issue forthwith a Writ of Possession upon request of the person named on the Certificate of Title. If the United States of America is a Defendant herein, it shall have the right of redemption provided by 28 U.S.C. 2410(c) for the period provided therein, running from the date of the Certificate of Sale.*

8. *If the Plaintiff is the purchaser at the sale, then, upon confirmation of the sale, whether by the Clerk filing the Certificate of Title herein or by order of the Court ruling upon objections to the sale, the said Plaintiff, upon further order of the Court, may permanently withdraw from the Court file the original mortgage, the original promissory note and the original assignments of mortgage, if any, and the photocopies of same attached to the Complaint shall hereafter be and stand in lieu thereof.*

9. **Attorney Fees.** 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 reasonably.

10. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders as are proper including, without limitation, Deficiency Judgments *and Writs of Possession*. However, *there shall be no right to a Deficiency Judgment as to any Borrower/Defendant(s) who has received a discharge disallowing such under the U.S. Bankruptcy Code.*

11. **NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST.**

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 THIS 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.

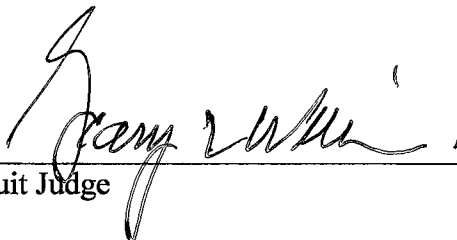
IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT AT 501 WEST ADAMS STREET, JACKSONVILLE, FL 32202, 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 AT (904) 356-8371, 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 JACKSONVILLE AREA LEGAL AID, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. If prior to sale, Defendant(s) tender(s) payment pursuant to a bankruptcy plan or forbearance agreement, then Plaintiff or its attorneys shall so certify to the Clerk of this Court that the amount due to Plaintiff as set forth in Paragraph 2 herein shall be credited by the amount of such tendered payments without further order of this Court. If Plaintiff is successful bidder at the sale, Plaintiff's rights as such may be assigned to a third party and, in that event, the Clerk of this Court is hereby ordered and directed to issue the Certificate of Title to Plaintiff's assignee upon application of Plaintiff and without further order of this Court. 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.

***Italicization indicates additions to F.R.C.P. Form 1.996(a) Final Judgment of Mortgage Foreclosure.*

DONE AND ORDERED at Jacksonville, Clay County, Florida this 8th day of November, 2017.



Circuit Judge

Copies furnished to:

All parties on the attached mailing list

MAILING LIST

CASE NO.: 2017-CA-000568

MICHELLE L. GLASS, ESQ.
FOR PLAINTIFF
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JACKSONVILLE, FL 32256
(michelle@glass-law.net)

ELAINE C. BAUER
3133 NAUTILUS DRIVE
MIDDLEBURG, FL 32068

UNKNOWN SPOUSE OF ELAINE C. BAUER
3133 NAUTILUS DRIVE
MIDDLEBURG, FL 32068

DOCTORS LANDING HOMEOWNERS ASSOCIATION, INC
C/O NEAL P. NEWFIELD, AS REGISTERED AGENT
767 BLANDING BLVD. #112
ORANGE PARK, FL 32065

TENANT #1 (N/K/A HUNTER BOYD)
3133 NAUTILUS DRIVE
MIDDLEBURG, FL 32068

TENANT #2
3133 NAUTILUS DRIVE
MIDDLEBURG, FL 32068