

4/12/2018 3:48 PM Tara S. Green

2010 CA 000802

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

**WILMINGTON SAVINGS FUND SOCIETY,
FSB, AS TRUSTEE OF UPLAND MORTGAGE
LOAN TRUST A,**

Plaintiff,

REF #:

UCN: 2010 CA 000802

vs.

**JENNIFER M. MIMS; FRED M. MIMS, JR.
A/K/A FRED M. MIMS; TERRA MAR
PROPERTY MANAGEMENT, LLC;
ASSOCIATION OF VILLAGES OF FIRESIDE,
INC.; UNKNOWN TENANTS/OWNERS;
CLAY COUNTY LAND TRUST #45-05-25-
008989-011-33, ORANGE PARK TRUST
SERVICES, LLC, AS TRUSTEE ONLY; ANY
AND ALL UNKNOWN PARTIES CLAIMING
BY, THROUGH, UNDER, AND AGAINST
CLAY COUNTY LAND TRUST #45-05-25-
008989-011-33, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
TRUSTEES, BENEFICIARIES, OR OTHER
CLAIMANTS,**

Defendants.

CONSENT FINAL JUDGMENT OF FORECLOSURE

THIS MATTER was heard before the Court at/on Plaintiff's Motion for Summary Final Judgment/Trial, of Plaintiff, **WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF UPLAND MORTGAGE LOAN TRUST A**, on April 11, 2018. After consideration, the Court

IT IS ADJUDGED that:

1. Final Judgment in favor of the Plaintiff, **WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF UPLAND MORTGAGE LOAN TRUST A**, is **GRANTED** as to all counts and against the following Defendants: **JENNIFER M. MIMS; FRED M. MIMS, JR. A/K/A FRED M. MIMS; TERRA MAR PROPERTY MANAGEMENT, LLC; ASSOCIATION OF VILLAGES OF FIRESIDE, INC.;; CLAY COUNTY LAND TRUST #45-05-25-008989-011-33, ORANGE PARK TRUST SERVICES, LLC, AS TRUSTEE ONLY; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST CLAY COUNTY LAND TRUST #45-05-25-008989-011-33,**

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WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS TRUSTEES, BENEFICIARIES, OR OTHER CLAIMANTS.

2. **Amounts Due.** The following amounts are due and owed to the Plaintiff:

Principal Balance Due		\$ 215,989.76
Interest on the Note and Mortgage from 11/1/9 to 4/11/18 Per Diem of \$37.724 at 6.375%		\$ 116,291.63
SUBTOTAL		\$331,753.31
LESS CREDITS DUE TO DEFENDANTS:		
Positive Escrow Balance		\$ 0.00
ATTORNEY FEES		\$4,937.50
ATTORNEY COSTS		\$159.20
TOTAL DUE		\$337,378.09

3. The total sum referenced in Paragraph 2 shall bear interest at the statutory rate from this date forward.

4. **Lien on Property.** Plaintiff, whose address is: 1600 South Douglass Road, Suite 200-A Anaheim, California 92806 holds a lien for the 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 following Defendants: **JENNIFER M. MIMS; FRED M. MIMS, JR. A/K/A FRED M. MIMS; TERRA MAR PROPERTY MANAGEMENT, LLC; ASSOCIATION OF VILLAGES OF FIRESIDE, INC.;; CLAY COUNTY LAND TRUST #45-05-25-008989-011-33, ORANGE PARK TRUST SERVICES, LLC, AS TRUSTEE ONLY; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST CLAY COUNTY LAND TRUST #45-05-25-008989-011-33, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS TRUSTEES, BENEFICIARIES, OR OTHER CLAIMANTS** 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 Sections 718.116 or 720.3085, Florida Statutes or the Declaration of Covenants, whichever provides the most protection for the Plaintiff from liability for past due assessment. Additionally, all liens and/or property transfers recorded after the recording of the *lis pendens* in this action are hereby foreclosed of their interest pursuant Fla. Stat. § 48.23. If the United States of America is a Defendant in this action, then pursuant to 28 U.S.C. § 2410(c), it shall have a period of 120 days from the date of sale to redeem the subject property. All municipal liens recorded after the mortgage, which do not have an independent statutory basis for super-priority are hereby foreclosed pursuant to *City of Palm Bay v. Wells Fargo Bank, N.A.*, 114 So.3d 924 (Fla. 2013), but the holders of any such liens may retain a right of redemption as

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provided by Fla. Stat. § 45.0315. The lien of the Plaintiff encumbers the subject property located in CLAY County, Florida, and described as:

LOT 135, VILLAGES OF FIRESIDE, UNIT 2-B, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGES 40 AND 41, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA

Property Address: **2467 MOON HARBOR WAY, MIDDLEBURG, FL 32068**

5. If the total sum with interest at the rate described in paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of Circuit Court shall sell the subject property at public sale on June 11, 2018 (date) to the highest bidder for cash, except as prescribed in Paragraph 6, in an online sale at **www.clay.realforeclose.com**, beginning at 10 a.m. on the prescribed date after having first given notice as required by section 45.031, Florida Statutes. Plaintiff must arrange for publication of notice of sale in accordance with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale.

Plaintiff or Plaintiff's attorney may also cancel or reschedule the sale by filing a motion with the Court in accordance with Florida Rules of Civil Procedure, Form 1.996(b) and may seek to reschedule the sale to a later date.

6. **Costs.** Plaintiff shall advance all subsequent required costs of this action. Except for the fee to the Clerk as provided in §45.035, Florida Statutes, and publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

7. **SALE DATE:** the Parties have agreed that the sale date shall be set no sooner than ninety (90) days following the entry of final judgment.

8. **Plaintiff's Additional Expenses.** If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 5, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

9. **Distribution of Proceeds.** On the filing of 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, unless the property is purchased by a third party bidder; 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 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

10. **Right of Redemption/Right of Possession.** 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

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under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant(s)' right of redemption as provided by section 45.0315, Florida Statutes shall be terminated. On filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

11. **Attorneys' Fees.** Because the fees requested do not exceed 3% of the principal amount owed at the time the complaint was filed, it is not necessary for the court to hold a hearing or adjudge the requested attorneys' fees to be reasonable under Fla. Stat. § 702.10 (1)(c)).

12. **IMPORTANT INFORMATION PROVIDED** pursuant to section 45.031, Florida Statutes:

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 LIEN HOLDER 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 the property has qualified for the homestead tax exemption in the most recent approved tax roll, also include the following two paragraphs:

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 EITHER THE CLAY CLERK OF CIRCUIT COURT 825 N ORANGE AVE, GREEN COVE SPRINGS, FL 32043, (904) 269-6302 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 A LEGAL SERVICES OFFICE, SUCH AS: FLORIDA LEGAL SERVICES, INC. 2066 PLAINFIELD AVE, ORANGE PARK, FL 32073 (904) 269-2650 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 ANOTHER

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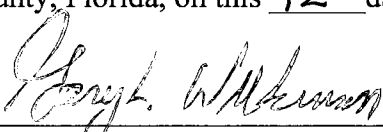
OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE

13. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

14. Upon issuance of the Certificate of Title, the Clerk is authorized to issue a writ of possession without further action of the Court.

15. **Jurisdiction Retained.** The Court retains jurisdiction of this action to enter further orders that are proper, including without limitation: any action to reforeclose any junior liens or interests that have been omitted from this Final Judgment of Foreclosure, any actions for collection or execution of any deficiency judgments against any borrowers, orders authorizing writs of possession, an award of attorney's fees, and to enter a deficiency judgment if the Defendant has not been discharged in bankruptcy.

DONE AND ORDERED in CLAY County, Florida, on this 12th day of
APRIL 2018.



CIRCUIT JUDGE

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Copies furnished to:

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Attorney for Plaintiff

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FRED M. MIMS JR. AKA FRED M. MIMS
2467 Moon Harbour Way
Middleburg, FL 32068

ASSOCIATION OF VILLAGES OF FIRESIDE, INC
1008 Park Ave
Orange Park, FL 32073

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