

6/28/2018 9:44 AM Tara S. Green

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

ROSE ACCEPTANCE, INC.

CASE NO. 2017-CA-001089

Plaintiff,

vs.

Division No.

ROSEMARY BRASWELL; JEFFREY L.
BRASWELL; CLAY COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA;
CLERK OF COURT IN AND FOR CLAY
COUNTY, FLORIDA and STATE OF FLORIDA.

Defendants/

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court 6/27/2018. On the evidence presented

IT IS ADJUDGED that: The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over ROSEMARY BRASWELL; JEFFREY L. BRASWELL; CLAY COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; CLERK OF COURT IN AND FOR CLAY COUNTY, FLORIDA and STATE OF FLORIDA, defendants.

1. **Amounts Due and Owng.** Plaintiff, ROSE ACCEPTANCE, INC., P.O. BOX 980 EAST LANSING, MI 48826 is due:

Principal due on the note secured by the mortgage foreclosed:	\$20,334.09
Accrued Interest from 05/15/17 to 02/15/18	\$1,538.85
Additional Interest from 02/16/18 to 06/27/18 Interest Per Diem at \$6.41	\$846.12
Late Charges	\$537.24
Tax Disbursements	\$335.31
Hazard Insurance Disbursement	\$154.67

Attorneys' Fees

Attorneys' Flat Rate Total: \$2,000.00	\$2,000.00
--	------------

*(The requested attorney's fee is 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 the lodestar analysis is not necessary and

that the flat fee is reasonable)

Court Costs, Now Taxed:

Filing Fee	\$505.00
Service of Process	\$550.00
Skip Trace	\$80.25
Title Fee	\$82.00
Subtotal	\$26,963.53

Additional Costs

Property Inspections/Preservation	\$357.74
NSF Charges	\$55.00
Legal Cost	\$1,246.75
Legal Fees	\$1,080.68
Subtotal	\$2,740.17
Total Due	\$29,703.70

That shall bear interest at a rate of 5.72% per year.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in Clay County, Florida:

LOT 12, BLOCK 129, BLACK CREEK PARK UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGES 21 TO 33, INCLUSIVE OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

TOGETHER WITH A 1975 DELL MOBILE HOME SERIAL #65510546

Property Address: 4564 Bay Ct., Middleburg, Florida 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 August 27, 2018 at 10:00 AM, 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:

By electronic sale beginning at 10:00 AM on the prescribed date at www.clay.realforeclose.com, the Clerk's website for on-line auctions.

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 the plaintiff's costs; second, documentary stamps affixed to the Certificate; third, plaintiff's attorney's fees; fourth, the total sum due to the 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 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 and defendant's 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** 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 reasonable.

8. The Plaintiff may assign the judgment, cause of action and credit bid to any third party by the filing of an Assignment without further order of the court.

9. Plaintiff's action for replevin to recover possession of personal property, located at, **4564 Bay Ct., Middleburg, Florida 32068**, is hereby granted. The personal property is more particularly described as follows:

1975 DELL MOBILE HOME – VIN# E11098 TITLE# 65510546

This Court shall issue a Writ of Replevin, or in the event a Writ of Replevin cannot be issued, an Order to Show Cause shall be directed to the Defendant(s), ROSEMARY BRASWELL and JEFFREY L. BRASWELL, pursuant to the provisions of Florida Statutes, Chapter 78, and for such other relief as is just.

10. **Jurisdiction.** Jurisdiction of this action is retained to enter further orders, as are proper, including, without limitation, writs of possession and deficiency judgments. In addition, this court retains jurisdiction to enter any required supplemental complaint(s) such as a reforeclosure to add a necessary and/or omitted party without the necessity of filing a separate action.

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 CONTACT THE CLERK OF THE COURT, 825 N ORANGE AVENUE, GREEN COVE SPRINGS, FLORIDA (TELEPHONE: (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 JACKSONVILLE AREA LEGAL AID, INC., 126 WEST ADAMS STREET, 7TH FLOOR, JACKSONVILLE, FL, (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 JACKSONVILLE AREA LEGAL AID, INC., 126 WEST ADAMS STREET, 7TH FLOOR, JACKSONVILLE, FL, (904) 394-7450, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Clay County, Florida, this 27th day of June, 2018.



HONORABLE PRESIDING JUDGE
CIRCUIT COURT JUDGE

Copies furnished:
GILBERT GARCIA GROUP, P.A.
2313 W. VIOLET ST.
TAMPA, FL 33603
EMAILSERVICE@GILBERTGROUPLAW.COM

CLAY COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
477 HOUSTON STREET
GREEN COVE SPRINGS, FL 32043

ROSEMARY BRASWELL
86002 WHIPPOORWILL PL
YULEE, FL 32097

JEFFREY L. BRASWELL
4564 BAY CT.
MIDDLEBURG, FL 32068

CLERK OF COURT IN AND FOR CLAY COUNTY, FLORIDA
825 N. ORANGE AVENUE
GREEN COVE SPRINGS, FL 32043

MARK S. DUNN, ESQ. FOR STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL, THE CAPITOL, SUITE PL-01
TALLAHASSEE, FL 32399
OAG.FORECLOSE.ESERVE@MYFLORIDALEGAL.COM