

6/26/2019 2:29 PM Tara S. Green

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

**THE BANK OF NEW YORK MELLON, F/K/A  
THE BANK OF NEW YORK AS TRUSTEE  
FOR REGISTERED HOLDERS OF CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2005-7,**

**Plaintiff,**

**vs.**

**CASE NO.: 2019-CA-000097**

**ALLEN L. GARDNER; ET AL.,**

**Defendants. /**

**FINAL JUDGMENT OF FORECLOSURE**

**THIS ACTION** came before the Court on the Motion for Summary Final Judgment of Foreclosure on the 26th day of June, 2019. Based on the evidence presented and being otherwise fully informed in the premises, it is hereby

**ORDERED and ADJUDGED that:**

1. Judgment is **GRANTED** in favor of the Plaintiff **THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-7**. Service of process has been duly and regularly obtained on **ALLEN L. GARDNER, TERESA GARDNER. HOUSEHOLD FINANCE CORPORATION III, BIG TREE LAKES PROPERTY OWNERS' ASSOCIATION, INC., UNKNOWN TENANT #2 NKA JAMIE R. COOK, and UNKNOWN TENANT #1 NKA JUSTIN M. DION** ("Defendants").

2. There is due and owing to the Plaintiff the following:

|   |                     |
|---|---------------------|
| Principal due on the note secured by the mortgage foreclosed                      | \$ 98,094.25        |
| Interest on the note and mortgage from 4/1/14 to 5/22/19 @ 7.375%                 | \$ 37,191.30        |
| <i>Per diem</i> Interest on the note and mortgage from 5/23/19 to 6/26/19 @ 19.82 | \$ 673.88           |
| Escrow Balance  | \$ 28,092.80        |
| Corporate Advances  | \$ 1,670.00         |
| Expense Advances  | \$ 45.00            |
| Additional Escrow: Haz  | \$ 93.62            |
| Attorneys' Fees   | \$ 4,224.00         |
| Costs   | \$ 1,595.67         |
| <b>TOTAL SUM</b>  | <b>\$171,650.52</b> |

3. The total sum referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest, currently, 6.57% a year.

4. Plaintiff, whose address is THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-7 c/o CARRINGTON MORTGAGE SERVICES, LLC, 1600 Douglass Rd. #200A Anaheim, CA 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 defendants 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 Florida Statutes, Section 718.116 and 720.3085. Plaintiff's lien encumbers the subject property located in Clay County, Florida and described as:

LOT 20, BLOCK 3, OF BIG TREE LAKES SUBDIVISION, SECTION C, AN UNPLATTED SUBDIVISION WHICH LOT IS DESCRIBED WITH MORE PARTICULARITY IN THE EXHIBIT TO THAT CERTAIN DECLARATION OF INTERPRETIVE DATA RELATING TO LEGAL DESCRIPTION DATED JUNE 1, 1983, AND FILED AT O.R. BOOK 749, PAGE 418 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

**Property Address:** 5693 Payette Ave., Keystone Heights, FL 32656

5. If the total sum with interest at the rate described above and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on Sept 24, 2019, 2019, at 10:00 A.M. to the highest bidder for cash, except as prescribed below, after having first given notice as required by Section 45.031, Florida Statutes, using the following method:

**By electronic sale beginning at 10:00 A.M. ET on the prescribed date at [www.clay.realforeclose.com](http://www.clay.realforeclose.com).**

At least three (3) days prior to the sale, Plaintiff must pay the cost associated with the Notice of Publication.

6. Plaintiff shall advance all subsequent required costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not the purchaser of the property for sale. If plaintiff is the purchaser, the Clerk shall credit plaintiffs 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. 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. If Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 5 herein, Plaintiff may, by written motion served on all parties, seek to amend this final judgment to include said additional expenses.

8. 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 plaintiffs costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third, plaintiffs attorneys' fees; fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate

prescribed in Paragraph 3 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

9. On filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property. On filing of the Certificate of Sale, defendants' right of redemption as proscribed by Florida Statutes, Section 45.0315 and Section 2410(c), Title 28, United States Code or shall be terminated.

10. BIG TREE LAKES PROPERTY OWNERS' ASSOCIATION, INC., is named as a party Defendant due to a potential homeowners association Claim of Lien or any rights it may have in a potential homeowners association Claim of Lien or any rights it may have pursuant to Florida Statute Chapter 720. The mortgage which is being foreclosed is a recorded first mortgage. Pursuant to Florida Statutes Chapter 720, the Plaintiff's lien is superior to any title and interest to any homeowners assessments except for those unpaid dues which are not to exceed twelve (12) months unpaid assessments or 1% of the original principal balance of the mortgage, whichever is less.

11. Pursuant to Florida Statutes, Section 45.031:

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 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 COUNTY CLERK OF CIRCUIT COURT AT 825 N. ORANGE AVE, GREEN COVE SPRINGS, FLORIDA (904)284-6302 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: JACKSONVILLE AREA LEGAL AID, INC. - CLAY COUNTY 3540 HIGHWAY 17, SUITE 101, GREEN COVE SPRINGS, FLORIDA 32043 (904) 284-8410 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY

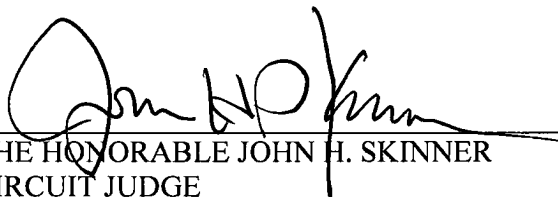
CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST ANOTHER OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. Plaintiff may assign the judgment and credit bid by the filing of an assignment without further order of the court.

13. Plaintiff reserves the right to seek a deficiency judgment against the signatory of the Note.

14. The court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, orders authorizing writs of possession and an award of attorney's fees, and to enter deficiency judgments if the borrower has not been discharged in bankruptcy.

**DONE AND ORDERED** in Chambers at Green Cove Springs, Clay County, Florida, this 26th day of June, 2019.



THE HONORABLE JOHN H. SKINNER  
CIRCUIT JUDGE

**Copies furnished to:**

**Michael T. Sheridan, Esq.**, Storey Law Group, P.A., 3670 Maguire Blvd., Ste. 200, Orlando, Florida 32803,

**Allen L. Gardner**, 123 Iliamna Avenue, Jber, AK 99505

**Teresa Gardner**, 123 Iliamna Avenue, Jber, AK 99505

**Unknown Tenant #1 n/k/a Justin Dion**, 5693 Payette Avenue, Keystone Hieghts, FL 32656

**Unknown Tenant #2 n/k/a Jamie Cook**, 5693 Payette Avenue, Keystone Hieghts, FL 32656

**Household Finance Corporation**, 2661 Executive Center Circle, Tallahassee, FL 32399

**Big Tree Lakes Property Owners' Association, Inc.**, 10592 Balmoral Circle E., Suite 7, Jacksonville, FL 32218