

8/22/2019 11:32 AM Tara S. Green

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

**U.S. BANK, N.A. AS TRUSTEE FOR BEAR
STEARNS HOME LOAN OWNER TRUST
2001-A, AS SERVICER WITH DELEGATED
AUTHORITY UNDER THE TRANSACTION
DOCUMENTS**

Plaintiff(s),

vs.

**CLARENCE B. CHANDLER;
O'SHAWN CHANDLER;
ASSET ACCEPTANCE LLC;
LVNV FUNDING LLC ASSIGNEE OF SEARS;
MERRIMAN INVESTMENTS, LLC;**

CASE NO.: 2017-CA-000889

Defendant(s).

_____ /

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was tried before the court on 21 Aug 19. On the evidence
presented,

IT IS ADJUDGED that:

1. Plaintiff, **U.S. Bank, N.A. as trustee for Bear Stearns Home Loan
Owner Trust 2001-A, as Servicer with delegated authority under the
transaction documents**, whose address is 3000 Baypoint Drive, Suite 880,
Tampa, Florida 33607, is due:

| | |
|------------------------------------|--------------|
| Principal: | \$ 19,679.19 |
| Interest to date of this judgment: | \$ 8,845.33 |
| Deferred Interest: | \$ 4792.07 |
| Property Inspection: | \$ 15.00 |
| Prior Attorney Fees: | \$ 2,159.17 |

Attorney Fees:

| | |
|---|---------------------|
| Preparation of Motion for Extension of Time: | \$ 215.00 |
| Preparation of Discovery to Propound on Clarence and O'Shawn Chandler: | \$ 1,290.00 |
| Preparation of Avoidance of Answer: | \$ 516.00 |
| Preparation of Notice of Readiness for Trial: | \$ 107.50 |
| Hearing Attendance on Motion to Set Trial: | \$ 249.40 |
| Review of Court Order Directing Trial: | \$ 215.00 |
| Preparation of Witness and Exhibit List: | \$ 322.50 |
| Foreclosure Flat Fee: | \$ 1,812.50 |
| Total Attorney Fees: | \$ 4,727.90 |
| GRAND TOTAL | \$ 38,059.49 |

that shall bear interest at the legal rate, which was 6.57%% per annum as of April 1st, 2019.

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

Lots 18 and 20, Block "JX", according to Shands Plat as recorded in Plat Book to Page 1 of the Public Records of Clay County, Florida.

Property address: 1311 Spruce Street, Green Cove Springs, FL 32043

3. If the grand total amount 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 subject property at public sale on **NOV 19 2019**, to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes, using the following method: at

www.clay.realforeclose.com, beginning at 10:00 AM, on the prescribed date.

4. 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 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. 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 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court. If proceeds are to be distributed to Plaintiff or Plaintiff's Counsel, the Clerk is authorized to issue a single check made payable to counsel for Plaintiff.
6. 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 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. Notwithstanding the foregoing, the rights of any

condominium or homeowners' association to collect unpaid assessments from any subsequent title holder, including the first mortgage holder, shall be preserved and shall be governed as provided in Section 718.116 and 720.3085, Florida Statutes, subject to limitations as set-forth in *Coral Lakes Community Association, Inc. v. Busey Bank, N.A.*, 30 So. 3d 579 (Fla. 2d DCA 2010).

7. The court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff, that 13.6 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$215.00 is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the Plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to *Florida Patients Compensation Fund v. Rowe*, 472 So. 2D 1145 (Fla. 1985). (If the court has found that there are reduction or enhancement factors to be applied, then such factors must be identified and explained therein).

If the fees to be awarded are a flat fee, 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. **If the Plaintiff is the purchaser at the sale, the Plaintiff may assign its bid to a third party assignee by recording and filing an Assignment of Bid and the Clerk of Court is hereby directed to issue a Certificate of Title to the assignee named therein.**
9. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments, re-foreclosure or a supplemental complaint to add an omitted party post-judgment.

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, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

(If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type.)

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 FOR CLAY COUNTY, TELEPHONE: (904) 269-6302, 825 NORTH ORANGE AVENUE, P.O. BOX 698, GREEN COVE SPRINGS, FL 32043, 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, 3225 UNIVERSITY BOULEVARD SOUTH, SUITE 220, JACKSONVILLE, FL 32216, 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, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Green Cove Springs, Clay County, Florida, this the 19th
day of Aug, 2019.



CIRCUIT COURT JUDGE

Copies to: See Attached Service List

SERVICE LIST FOR FINAL JUDGMENT OF FORECLOSURE
(Clay County Case No.: 2017-CA-000889)

Padgett Law Group, Attorney for Plaintiff
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
attorney@padgettlawgroup.com

Robert B Cook, Esq. (Counsel for Clarence B. Chandler)
4362 Northlake Blvd, Ste 213
Palm Beach Gardens, FL 33410
service@cooklawfl.comrbc1960@yahoo.com

Asset Acceptance LLC
c/o Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301

LVNV Funding LLC assignee of Sears
c/o Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301

Merriman Investments, LLC
c/o Registered Agent Solutions, Inc.
155 Office Plaza Dr
Suite A
Tallahassee, FL 32301

Robert B Cook, Esq. (Counsel for O'Shawn Chandler)
4362 Northlake Blvd, Ste 213
Palm Beach Gardens, FL 33410
service@cooklawfl.comrbc1960@yahoo.com