

Filing #29786013 E-Filed 07/17/2015 01:04:27 PM

IN THE CIRCUIT COURT OF THE 1ST
JUDICIAL CIRCUIT, IN AND FOR
SANTA ROSA COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 57-2015-CA-000112

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

Plaintiff,

vs.

MICHAEL WESLEY STEWART A/K/A MICHAEL W.
STEWART; UNKNOWN SPOUSE OF MICHAEL WESLEY
STEWART A/K/A MICHAEL W. STEWART; SANTA ROSA
COUNTY, FLORIDA; UNKNOWN PERSON(S) IN POSSESSION
OF THE SUBJECT PROPERTY;

Defendants.

FINAL JUDGMENT OF MORTGAGE FORECLOSURE

THIS ACTION was heard before the Court. On the evidence presented IT IS ADJUDGED that:

1. There is due and owing to Plaintiff:

A. As unpaid principal of the indebtedness agreed to be paid in the mortgage herein foreclosed and the note secured thereby	\$123,551.50
B. Interest through 08/04/15	6,765.12
D. Pre-Acceleration Late Charges	231.92
E. Taxes for 2014	924.88
F. Hazard Insurance for 2015	1,305.66
G. Credits/Charges	(821.22)
H. Property Inspections	126.00
I. Suspense	(173.94)
J. Title Search	275.00
K. Clerk's filing fee	948.00
L. Service of process	220.00
SUBTOTAL	\$133,352.92
Attorney's fees	<u>\$ 2,250.00</u>
TOTAL	\$135,602.92

DRAFT

DONALD C. SPENCER
CLERK OF COURT &
COMPTROLLER

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SANTA ROSA COUNTY, FL

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that shall bear interest from this date forward at the prevailing legal rate of interest. Plaintiff shall also recover such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of Sale, and any advances made by the Plaintiff subsequent to the date specified in item B of this paragraph which are proper under the terms of the note and mortgage foreclosed herein.

2. The Court finds that service of process was properly effected on each of the Defendants. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s) MICHAEL WESLEY STEWART A/K/A MICHAEL W. STEWART; SANTA ROSA COUNTY, FLORIDA; on the following described property in SANTA ROSA County, Florida:

LOT 10, BLOCK "A", PLANTATION CREEK SUBDIVISION PHASE 2, BEING A PORTION OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 29 WEST, SANTA ROSA COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "G", PAGE 62 (1&2), OF THE PUBLIC RECORDS OF SANTA ROSA COUNTY, FLORIDA. a/k/a 5186 ROSEWOOD CREEK DR, PACE, FLORIDA 32571-

3. If the total sum set forth in paragraph 1 with interest at the interest rate prescribed by law and all costs of this action and proper advances pursuant to paragraph 1 accruing subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at public sale on October 5, 2015, 20 , at 11:00 A.M. C.S.T. to the highest bidder for cash, except as prescribed in Paragraph 5, BY ELECTRONIC SALE AT: WWW.SANTAROSA.REALFORECLOSE.COM, in accordance with Section 45.031, Florida Statutes. Plaintiff shall be responsible for the publication of the notice of sale.

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 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. If prior to the sale, Plaintiff shall be required to advance any monies pursuant to the provisions hereof, then Plaintiff or its attorneys shall so certify to the Clerk of this Court, and the amount due to Plaintiff as set forth in paragraphs 1 hereof shall be increased by the amount of such advances without further order of the Court. Plaintiff may assign its right to bid 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 if Plaintiff or its assignee is the successful bidder at the sale.

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 Plaintiff's costs; second, documentary stamps affixed to the certificate; third, Plaintiff's attorneys' fees; fourth, the total sum due to Plaintiff less the items paid, plus interest at the rate prescribed in paragraph 1 hereof from this date to the date of the sale; and by retaining any amount remaining pending the further order of this Court. All sums to be disbursed to Plaintiff shall be made payable to Plaintiff's Attorney, Kahane & Associates, P.A. Trust Account and mailed to 8201 Peters Road, Suite 3000, Plantation, FL 33324.

6. Upon issuance of the Certificate of Sale by the Clerk of the Court, the 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. If any defendant remains 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 for the premises located at 5186 ROSEWOOD CREEK DR, PACE, FLORIDA 32571-.

7. 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 a lodestar analysis is not necessary and that the flat fee is reasonable.

Furthermore, upon the issuance of the Certificate of Sale, any interest of SANTA ROSA COUNTY, FLORIDA, including, but not limited to, its interest arising out of the MORTGAGE, which is recorded at Official Records Book 2893, Page 608 is hereby foreclosed and shall not act as a lien against the property.

8. Jurisdiction of this action is retained to enter further orders as are proper including, without limitation, a deficiency judgment.

9. The retention of jurisdiction to enter deficiency judgments set forth, shall not apply if personal liability has been discharged under the provisions of the U.S. Bankruptcy code (11 U.S.C. § 101, et seq.).

10. Jurisdiction of this action is retained to allow for a supplemental complaint to add omitted parties post-judgment.

11. Jurisdiction of this action is retained to provide for post judgment determination of the amount of assessments due pursuant to Fla. Stat. §718.116 and /or §720.3085.

NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST. (2006)

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, 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, 6865 CAROLINE STREET, MILTON, FLORIDA 32570 (TELEPHONE: (850) 981-5676), 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 NORTHWEST FLORIDA LEGAL SERVICES, 24 W. GOVERNMENT STREET, PENSACOLA, FL 32501 PHONE: 850-432-2336, 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 THE SANTA ROSA COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers at Milton, SANTA ROSA County, Florida, this _____ day of _____, 2015.



eSigned by JOHN SIMON JR 08/04/2015 10:13:38 x0FcvkK2

CIRCUIT JUDGE

Copies furnished to the parties listed on the attached service list:

COPY

Summary Final Judgment
Case No. 57-2015-CA-000112

Kahane & Associates, P.A.
8201 Peters Road, Ste.3000
Plantation, FL 33324
Telephone: (954) 382-3486
Telefacsimile: (954) 382-5380
Designated service email: notice@kahaneandassociates.com

8-5-15
BZ

MICHAEL WESLEY STEWART
5186 ROSEWOOD CREEK DR
PACE, FLORIDA 32571

UNKNOWN PERSON(S) IN POSSESSION OF THE SUBJECT PROPERTY
5186 ROSEWOOD CREEK DR
PACE, FLORIDA 32571

SANTA ROSA COUNTY, FLORIDA
c/o Roy V. Andrews, ESQ.
RoyA@santarosa.fl.gov

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