

Filing # 67384223 E-Filed 02/01/2018 02:25:54 PM

IN THE COUNTY COURT OF THE 1ST JUDICIAL CIRCUIT  
IN AND FOR SANTA ROSA COUNTY, FLORIDA

HOLLEY BY THE SEA IMPROVEMENT  
ASSOCIATION INC., a Florida not-for-profit  
corporation,  
Plaintiff,

vs.

BRAD E. LOVIN, et al.,  
Defendants.

CASE NO.: 2016-CC-001506

**\*Publish in Press Gazette\***

**FINAL JUDGMENT OF FORECLOSURE**

THIS MATTER having come on to be heard upon Plaintiff's Motion for Summary Final Judgment of Foreclosure, and the Court having reviewed the Motion, Pleadings, and other Papers filed in this matter, having heard argument of Counsel, and being otherwise duly advised in the premises, on the evidence presented it is hereby

ORDERED AND ADJUDGED that:

The Motion be, and the same is hereby GRANTED.

1. The Court has jurisdiction of the parties and the subject matter hereto.
2. The equities are with the Plaintiff.
3. Plaintiff, **Holley by the Sea Improvement Association Inc.**, is due from Defendant, **Brad E. Lovin**, on account of the lien herein sought to be foreclosed, the following sums:

- |                           |  |
|---------------------------|--|
| (a) <b>\$1,275.00</b>     | Principal from January 01, 2016 through December 31, 2018                                  |
| (b) <b>\$665.26</b>       | For costs now taxed;   |
| (c) <b>\$3,522.50</b>     | For reasonable attorney's fees;  |
| (d) <b>\$737.50</b>       | Previous Counsel Attorney's Fees   |
| (e) <b>\$31.41</b>        | Previous Counsel Attorney's Cost   |
| (f) <b>&lt;\$0.00&gt;</b> | Less Payments;   |
| (g) <b>\$249.83</b>       | as pre-judgment interest from January 01, 2016 through February 01, 2018 at 18% per annum; |

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**TOTAL \$6,481.50**

together with post-judgment interest at the rate of 5.35% per annum from the date of the entry of this Judgment. Let execution issue forthwith.

- 4. Plaintiff, whose address is Holley by the Sea Improvement Association Inc. Holley by the Sea Improvement Association Inc., 6845 Navarre Parkway, Navarre, FL 32566, holds a lien for the grand sum specified in Paragraph 3 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim or estate 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 The Plaintiff's lien encumbers the subject property located in Santa Rosa County, Florida and described as:

**Lot 6, Block 250 of Holley by the Sea, according to the Plat thereof as recorded in Plat Book B, Page 155, of the Public Records of Santa Rosa County, Florida.**

This property is located at the street address of: **2062 Hawthorne Drive, Navarre, FL 32566.**

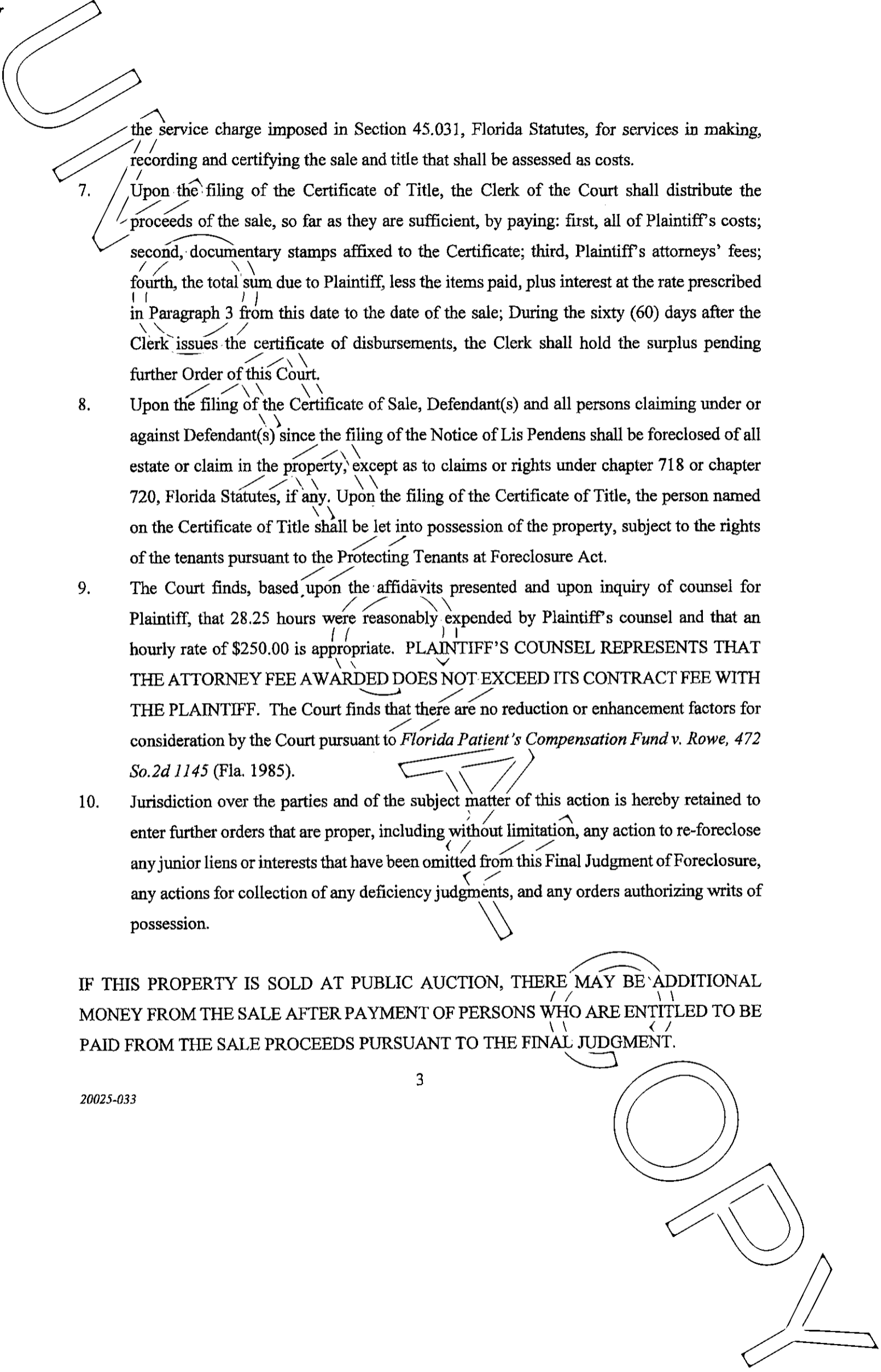
- 5. If the total sum with interest at the rate described in Paragraph 3 above, and all costs accrued subsequent to this judgment, are not paid, the Clerk of this Court shall sell the property at public sale on MARCH 12 2018, 2017, to the highest bidder for cash, except as prescribed in Paragraph 6, by electronic sale beginning at 11:00 A.M. on the prescribed date at www.santarosa.realforeclose.com.
- 6. 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 of the Court 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. The Clerk shall receive

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the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording and certifying the sale and title that shall be assessed as costs.

7. Upon the filing of the Certificate of Title, the Clerk of the Court 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 3 from this date to the date of the sale; During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.
8. Upon the 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, subject to the rights of the tenants pursuant to the Protecting Tenants at Foreclosure Act.
9. The Court finds, based upon the affidavits presented and upon inquiry of counsel for Plaintiff, that 28.25 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$250.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).
10. Jurisdiction over the parties and of the subject matter of this action is hereby retained to enter further orders that are proper, including without limitation, any action to re-foreclose any junior liens or interests that have been omitted from this Final Judgment of Foreclosure, any actions for collection of any deficiency judgments, and any orders authorizing writs of possession.

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.



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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 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 AT THE SANTA ROSA COUNTY COURTHOUSE 6865 CAROLINE STREET, BOX 2, MILTON, FL 32570, 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 LEGAL SERVICES OF NORTH FLORIDA, 1741 N. PALAFOX STREET, PENSACOLA, FL 32501 (850) 432-8222, 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 LEGAL SERVICES OF NORTH FLORIDA, AT (850) 432-8222 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

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DONE and ORDERED in Chambers in Santa Rosa County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



eSigned by JOSE GIRAUD 02/01/2018 10:45:14 tgEikJxN

County Court Judge

Copies Furnished to:

Tennille Shipwash, Esq., Garfinkel Whynot, 300 N. Maitland Avenue, Maitland, FL 32751  
Brad E. Lovin, 2062 Hawthorne Drive, Navarre, FL 32566

This law firm is a "debt collector" under the Fair Debt Collection Practices Act. We are attempting to collect a debt, and any information obtained will be used for that purpose.

FILED

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