

Filing # 75627714 E-Filed 07/27/2018 02:49:23 PM

IN THE COUNTY COURT OF THE FIRST JUDICIAL
CIRCUIT IN AND FOR SANTA ROSA COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION

RESERVE () POINTE TOWNHOMES OWNERS'
ASSOCIATION, INC., A FLORIDA NOT FOR PROFIT
CORPORATION,

PLAINTIFF,

V.

CASE NO. 2017 CC 002108

JOEL A. WARREN,

DEFENDANT.

FINAL SUMMARY JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on July 23, 2018. On the evidence presented,

IT IS ORDERED AND ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over Defendants: JOEL A. WARREN
2. **Amounts Due.** There is due and owing to the Plaintiff RESERVE POINTE TOWNHOMES OWNERS' ASSOCIATION, INC. the sum of money as hereinafter set forth:

a. Principal through 7/23/2018	\$ 4,425.00
b. Other charges through 7/23/2018	\$
c. Interest through 7/23/2018 on said principal	\$ 630.73
d. Cost of Placing and Releasing Lien	\$26.00
e. Court Filing Fee	\$315.00
f. Foreclosure Title Report	\$100.00
g. Service of Process	\$49.50
TOTAL COSTS:	\$ 490.50
 Less Payments received	 \$ -287.00
 SUB-TOTAL	 \$ 5,259.23

ACTIVE: R25162/386604:11113426_1

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Attorney's fees	\$ 3,080.00
Finding as to reasonable number of hours: 17.60	
Finding as to reasonable hourly rate: 175.00	
Prior Attorney's fees	\$ <u>0.00</u>
TOTAL	\$ 8,339.23

1. **Interest.** The total amount referenced in Paragraph 2 shall bear the highest post-judgment interest rate allowable by law.
2. **Lien on Property.** Plaintiff, whose address is Reserve Pointe Townhomes Owners' Association, Inc., 36468 Emerald Coast Pkwy, Suite 7102, Destin, FL 32541 holds a lien for the total sum specified in Paragraph 2 herein superior to all claims or estates of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants on the subject property located in property in Santa Rosa County, Florida and described as:

Lot 5, Block L. of RESERVE POINTE PHASE 1, according to the Plat as recorded in Plat Book 11, Page 60 and 61, of the Public Records of Santa Rosa County, Florida.

A/K/A: 8896 White Ibis Way, Navarre, FL 32566.

3. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 3 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 SEPTEMBER 6, 2018, to the highest bidder for cash, except as prescribed in Paragraph 6, in accordance with section 45.031, Florida Statutes, using the following method:

[] <https://www.santarosa.realforeclose.com> at 11:00 AM,

after having first given notice as required by Section 45.031, Florida Statutes.

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

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with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

5. **Right of Redemption.** On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.
6. **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 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 the further order of this court.
7. **Right of Possession.** Upon 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.
8. **Attorney Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 17.60 hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$175.00 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).
9. **Retained Jurisdiction.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment or for an order reopening the case to allow the Plaintiff to foreclose on any party not named in the original complaint.
10. **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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH

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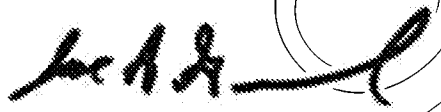
THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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, SANTA ROSA COUNTY COURTHOUSE, 6865 CAROLINE STREET, 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 THE LEGAL SERVICES OF NORTH FLORIDA, INC., 118 SOUTH BAYLEN 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 THE COUNTY BAR ASSOCIATION LEGAL AID SOCIETY, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Chambers, this 27 day of JULY,

2018.



eSigned by JOSE GIRAUD 07/27/2018 13:00:53 D4XTr6uK
County Judge

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