

Filing # 91477084 E-Filed 06/21/2019 11:57:07 AM

2018-11-CA

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

CARRINGTON MORTGAGE SERVICES,  
 LLC,

Plaintiff,

REF #:

UCN: 2018-11-CA

vs.

MARK SFANOS; DAWN SFANOS;  
 UNKNOWN TENANT #1; UNKNOWN  
 TENANT #2,

Defendants.

**FINAL JUDGMENT OF FORECLOSURE**

THIS MATTER was heard before the Court on Plaintiff's Motion for Summary Final Judgment, of Plaintiff, CARRINGTON MORTGAGE SERVICES, LLC, on June 19, 2019. After consideration of all evidence presented and the state of the record, this Court rules as follows:

IT IS ADJUDGED that:

1. Final Judgment in favor of the Plaintiff, CARRINGTON MORTGAGE SERVICES, LLC, is **GRANTED** as to all counts and against the following Defendants: MARK SFANOS; DAWN SFANOS.

2. **Amounts Due.** The following amounts are due and owed to the Plaintiff:

<b>Principal Balance Due</b>		<b>\$106,207.81</b>
<b>Interest</b> on the Note and Mortgage from 03/01/2017 to 04/01/2019 Per Diem of \$8.482 at 2.875%		<b>\$7,888.14</b>
<b>ESCROW ADVANCES</b>		<b>\$5,068.56</b>
Beginning Balance	\$1,219.77	
Payment	07/20/2017 \$ 276.61	
<b>County Taxes</b>	<b>\$2,339.24</b>	
Tax Year 2017 County Tax Pmt	\$1,127.55	
Tax Year 2018 County Tax Pmt	\$1,211.69	
<b>Hazard Insurance</b>	<b>\$3,592.00</b>	
Tax Year 2017 Hazard Ins Pmt	\$1,735.00	
Tax Year 2018 Hazard Ins Pmt	\$1,857.00	
<b>MIP</b>	<b>\$ 633.70</b>	

2018-11-CA

Tax Year 2017 MIP	\$ 318.14	
Tax Year 2018 MIP	\$ 315.56	
<b>Corporate Advance</b>		<b>\$245.00</b>
Property Inspection Fee		
03/11/2016	\$ 20.00	
07/15/2016	\$ 20.00	
09/09/2016	\$ 25.00	
11/08/2016	\$ 20.00	
01/26/2017	\$ 20.00	
02/09/2017	\$ 20.00	
02/22/2017	\$ 20.00	
02/27/2017	\$ 20.00	
04/28/2017	\$ 20.00	
06/01/2017	\$ 20.00	
07/12/2017	\$ 20.00	
08/08/2017	\$ 20.00	
<b>Expense Advance</b>		<b>\$545.00</b>
Property Inspection Fee		
10/02/2017	\$ 20.00	
10/26/2017	\$ 20.00	
11/28/2017	\$ 20.00	
01/26/2018	\$ 20.00	
04/02/2018	\$ 20.00	
05/16/2018	\$ 20.00	
06/25/2018	\$ 20.00	
07/24/2018	\$ 20.00	
08/31/2018	\$ 20.00	
11/16/2018	\$ 20.00	
03/26/2019	\$ 20.00	
FCL Title Fees		
10/12/2017	\$ 325.00	
<b>Unapplied/ Suspense</b>		<b>\$(229.35)</b>
<b>Attorney's Fees</b>		<b>\$4,057.50</b>
<b>Court Costs</b>		<b>\$1,234.58</b>
<b>TOTAL DUE</b>		<b>\$125,017.24</b>

3. The total sum referenced in Paragraph 2 shall bear interest at the statutory rate from this date forward.

2018-11-CA

4. **Lien on Property.** Plaintiff, whose address is: 1600 South Douglass Road, Suite 200-A Anaheim, California 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 following Defendants: **MARK SFANOS; DAWN SFANOS** 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 Sections 718.116 or 720.3085, Florida Statutes or the Declaration of Covenants, whichever provides the most protection for the Plaintiff from liability for past due assessment. Additionally, all liens and/or property transfers recorded after the recording of the *lis pendens* in this action are hereby foreclosed of their interest pursuant Fla. Stat. § 48.23. If the United States of America is a Defendant in this action, then pursuant to 28 U.S.C. § 2410(c), it shall have a period of 120 days from the date of sale to redeem the subject property. All municipal liens recorded after the mortgage, which do not have an independent statutory basis for super-priority are hereby foreclosed pursuant to *City of Palm Bay v. Wells Fargo Bank, N.A.*, 114 So.3d 924 (Fla. 2013), but the holders of any such liens may retain a right of redemption as provided by Fla. Stat. § 45.0315. The lien of the Plaintiff encumbers the subject property located in SANTA ROSA County, Florida, and described as:

**LOT 28, OF VICKSBURG ESTATES, ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN PLAT BOOK C, PAGE(S) 75, INCLUSIVE, OF THE PUBLIC  
RECORDS OF SANTA ROSA COUNTY, FLORIDA.**

Property Address: **4318 Chadwick Street Pace, FL 32571**

5. 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 Circuit Court shall sell the subject property at public sale on JULY 30, 2019 (date) to the highest bidder for cash, except as prescribed in Paragraph 6, in the following location (*mark applicable location*): on the Internet in accordance with Florida Statutes at www.santarosa.realforeclose.com after having first given notice as required by section 45.031, Florida Statutes. Plaintiff must arrange for publication of notice of sale in accordance with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale.

Plaintiff or Plaintiff's attorney may also cancel or reschedule the sale by filing a motion with the Court in accordance with Florida Rules of Civil Procedure, Form 1.996(b) and may seek to reschedule the sale to a later date.

6. **Costs.** Plaintiff shall advance all subsequent required costs of this action. Except for the fee to the Clerk as provided in §45.035, Florida Statutes, and publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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. **Plaintiff's Additional Expenses.** If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 5,

2018-11-CA

Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

8. **Distribution of Proceeds.** On the filing of 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, unless the property is purchased by a third party bidder; 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 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

9. **Right of Redemption/Right of Possession.** 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. On filing of the Certificate of Sale, Defendant(s)' right of redemption as provided by section 45.0315, Florida Statutes shall be terminated. On filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

10. **Attorneys' Fees.** The Court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff, that 1.5 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$225.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985). The remainder of 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.

11. **IMPORTANT INFORMATION PROVIDED** pursuant to section 45.031, Florida Statutes:

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 the property has qualified for the homestead tax exemption in the most recent approved tax roll, also include the following two paragraphs:

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

2018-11-CA

ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE SANTA ROSA CLERK OF CIRCUIT COURT AT P.O. BOX 472 MILTON, FLORIDA 32572, (850) 981-5671 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.

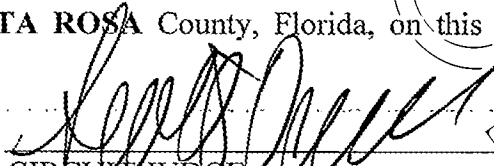
IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT A LEGAL SERVICES OFFICE, SUCH AS: EMERALD COAST LEGAL AID, 701 S. "J" STREET, PENSACOLA, FLORIDA 32502, TELEPHONE NUMBER 850-432-2336 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST 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. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

13. Upon issuance of the Certificate of Title, the Clerk is authorized to issue a writ of possession without further action of the Court.

14. **Jurisdiction Retained.** The Court retains jurisdiction of this action to enter further orders that are proper, including without limitation: any action to reforeclose any junior liens or interests that have been omitted from this Final Judgment of Foreclosure, any actions for collection or execution of any deficiency judgments against any borrowers, orders authorizing writs of possession, an award of attorney's fees, and to enter a deficiency judgment if the Defendant has not been discharged in bankruptcy.

**DONE AND ORDERED** in SANTA ROSA County, Florida, on this 19<sup>th</sup> day of June 2019.

  
CIRCUIT JUDGE

2018-11-CA

Copies furnished to:

Ryan Glover, Esq.  
Florida Bar No. 118226  
Lender Legal Services, LLC  
201 East Pine Street, Suite 730  
Orlando, Florida 32801  
Attorney for Plaintiff

Mark Sfanos  
4326 Chadwick Street  
Pace, FL 32571

Dawn Sfanos  
4326 Chadwick Street  
Pace, FL 32571

Unknown Tenant # 1  
4318 Chadwick Street  
Pace, Florida 32571

Unknown Tenant #2  
4318 Chadwick Street  
Pace, Florida 32571

OFFICIAL COPY