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

TDM.FAMILY-PROPERTIES, LLC,
PLAINTIFF,

VS.

CASE NO. 22CA61

JAMES SPURLIN,
DEFENDANT.

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court for hearing on January 13, 2023, upon Plaintiff's Motion for Summary Judgment. Upon the evidence presented, it is **ORDERED AND ADJUDGED** as follows:

COUNT I

PARCEL 15; PEARSON ROAD – PARCEL B-LOT ON ESCAMBIA BAY

1. There are no genuine issues of material fact as to Count I, and Plaintiff's Motion for Summary Judgment as to Count I is **GRANTED**.

2. Plaintiff is entitled to an award of reasonable attorney fees in the total amount of \$2,817.50 (Attorney fees at the rate of \$300.00 per hour for 15.95 hours; paralegal fees at the rate of \$100.00 per hour for 4.25 hours). In awarding the same, the Court has considered all of the criteria set forth in **Florida Patients' Compensation Fund v Rowe**, 472 So.2d 1145 (Fla. 1985).

3. Plaintiff, TDM FAMILY PROPERTIES, LLC is due the following sums under its Judgment:

| | |
|----------------------------------|---------------------------|
| Judgment lien Principal | \$18,929.37 |
| Interest to 1/9/2023 | \$ 5,612.30 |
| Title search expense | \$ 85.00 |
| Attorney Fee – Expert Affidavit | \$ 100.00 |
| Court costs, now taxed | \$ 463.50 |
| Service of Process Fees | \$ 30.00 |
| Late Fees | \$ 975.00 |
| Publication Fees | \$ 100.00 |
| Property Taxes (2018,2019, 2020) | \$ 1,150.23 |
| Attorney Fees | \$ 2,817.50 |
| <u>TOTAL</u> | <u>\$30,262.90</u> |

that shall bear interest at the rate of 5.52% a year.

4. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), in the following described real property in Santa Rosa County, Florida:

Parcel 15: Pearson Road - Parcel B- Lot on Escambia Bay

Commence at a concrete monument located at the intersection of the South line of Section 22, Township 1 South, Range 28 West, Santa Rosa County, Florida, and the West right of way line of Pearson Road (66 foot right of way) said intersection being 2673.24 feet West along said section line from the Southeast corner of said Section 22; thence North 00 degrees 51 minutes 05 seconds East along said West right of way line for 412.50 feet to an iron rod and cap marked No. 3578 and the Point of Beginning; thence continue North 00 degrees 51 minutes 05 seconds East for 82.50 feet to an iron rod and cap marked No. 3578; thence North 89 degrees 08 minutes 55 seconds West for 1572.13 feet, more or less, to the waters edge of Escambia Bay; thence Southeasterly along the meanderings of said waters edge to a point being North 89 degrees 08 minutes 55 seconds West of the Beginning Point; thence South 89 degrees 08 minutes 55 seconds East for 1534.80 feet, more or less, to the Point of Beginning.

5. If the total sum 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 property at public sale on **February 21, 2023 at 11:00 a.m. CST**, to the highest bidder for cash, except as prescribed in paragraph 6, at **www.santarosa.realforeclose.com** in accordance with Section 45.031, Florida Statutes.

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 shall credit plaintiffs 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.

7. 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 plaintiffs costs; second, documentary stamps affixed to the certificate; third, plaintiffs attorneys' fees; fourth, the total sum due to 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.

8. On filing 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, 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.

9. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgment.

10. 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 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 OF 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, 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, INC., 118 SOUTH BAYLEN STREET, PENSACOLA, FL 32502 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, INC., AT 850-432-8222, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

COUNT II

PARCEL 17; PEARSON ROAD – PARCEL D-LOT ON ESCAMBIA BAY

11. There are no genuine issues of material fact as to Count II, and Plaintiff's Motion for Summary Judgment as to Count I is granted.

12. Plaintiff is entitled to an award of reasonable attorney fees in the total amount of \$2,817.50 (Attorney fees at the rate of \$300.00 per hour for 15.95 hours; paralegal fees at the rate of \$100.00 per hour for 4.25 hours). In awarding the same, the Court has considered all of the criteria set forth in **Florida Patients' Compensation Fund v Rowe**, 472 So.2d 1145 (Fla. 1985).

| | |
|-----------------------------------|---------------------------|
| Judgment lien Principal | \$ 32,714.20 |
| Interest to 1/9/2023 | \$ 9,704.31 |
| Title search expense | \$ 85.00 |
| Attorney Fee - Expert Affidavit | \$ 100.00 |
| Court costs, now taxed | \$ 463.00 |
| Service of Process Fees | \$ 30.00 |
| Late Fees | \$ 975.00 |
| Publication Fees | \$ 100.00 |
| Property Taxes (2018, 2019, 2020) | \$ 1,455.94 |
| Attorney Fees | \$ 2,817.50 |
| <u>TOTAL</u> | <u>\$48,444.95</u> |

that shall bear interest at the rate of 5.52% a year.

13. Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), in the following described real property in Santa Rosa County, Florida:

Parcel 17: Pearson Road - Parcel D- Lot on Escambia Bay
 Commence at a concrete monument located at the intersection of the South line of Section 22, Township 1 South, Range 28 West, Santa Rosa County, Florida, and the West right of way line of Pearson Road (66 foot right of way) said intersection being 2673.24 feet West along said Section line from the Southeast corner of said Section 22; thence North 00 degrees 51 minutes 05 seconds East along said West right of way line for 577.50 feet to an iron rod and cap marked No. 3578 and the Point of Beginning; thence continue North 00 degrees 51 minutes 05 seconds East for 82.50 feet to an iron rod and cap marked Landsend; thence North 89 degrees 08 minutes 55 seconds West for 1610.47 feet, more or less, to the waters edge of Escambia Bay; thence Southeasterly along the meanderings of said water's edge to a point being North 89 degrees 08 minutes 55 seconds West of the Beginning Point; thence South 89 degrees 08 minutes 55 seconds East for 1593.13 feet, more or less to the Point of Beginning.

Property Appraiser's I.D. No.: 22-15-28-0000-00111-0000

14. If the total sum 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 property at public sale on **February 21, 2023 at 11:00 a.m. CST**, to the highest bidder for cash, except as prescribed in paragraph 15, at www.santarosa.realforeclose.com in accordance with Section 45.031, Florida Statutes.

15. 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.

16. 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 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

17. On filing 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, 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.

18. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgment.

19. **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 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 OF 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, 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, INC., 118 SOUTH BAYLEN STREET, PENSACOLA, FL 32502 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, INC., AT 850-432-8222, FOR

ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED.



eSigned by CIRCUIT COURT JUDGE CLIFTON DRAKE in 22000061CAMXAX on 01/13/2023 10:50:42 Ek+Finqp

CLIFTON A. DRAKE
Circuit Judge

Conformed copies to:

Jack Locklin, Jr.
E-mail: jlocklin@ljslawfirm.com

James Spurlin
E-mail: Cf9880@gmail.com

In cases wherein one party is unrepresented (*pro se*), it is the responsibility of the sole attorney in the case to serve within five business days this Judgment upon any *pro se* party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal.

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