

Filing #174702358 E-Filed 06/06/2023 01:12:40 PM

IN THE CIRCUIT COURT OF THE 1ST
JUDICIAL CIRCUIT, IN AND FOR SANTA
ROSA COUNTY, FLORIDA
CIVIL DIVISION:
CASE NO.: CASE NO.: 2023CA000023

METROPOLITAN LIFE INSURANCE COMPANY
Plaintiff,

vs.

DAVID J. BRANDIS A/K/A DAVID JAMES
BRANDIS;
Defendants.

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE was heard before the Court on a Non-Jury Trial set for June 5, 2023. On the evidence presented.

IT IS ADJUDGED that:

1. Plaintiff, METROPOLITAN LIFE INSURANCE COMPANY, is due:

| | | |
|------------------------------------|-----------|-------------------|
| Principal | \$ | 123,150.56 |
| Interest from 3/1/2020 to 5/3/2023 | \$ | 20,509.07 |
| Interest from 5/4/2023 to 6/5/2023 | \$ | 584.43 |
| Late Charge | \$ | 550.33 |
| Hazard Insurance | \$ | 9,929.54 |
| Taxes | \$ | 1,555.18 |
| Attorney Costs | \$ | 5,703.77 |
| BPO/Appraisal Costs | \$ | 290.00 |
| Maintenance | \$ | 7,418.08 |
| Property Inspection | \$ | 432.46 |
| Other Fees | \$ | 31.00 |
| TOTAL | \$ | 170,154.42 |

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

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

**LOT 15, BLOCK 1 OF GARDENDALE SUBDIVISION, IN SECTION 2,
TOWNSHIP 1 NORTH, RANGE 29 WEST, ACCORDING TO THE PLAT**

THEREOF AS RECORDED IN PLAT BOOK D, PAGE(S) 28, OF THE PUBLIC RECORDS OF SANTA ROSA COUNTY, FLORIDA.

Property Address: 5256 LASSITER RD, PACE, FL 32571

3. 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 foreclosure sale is hereby scheduled to take place on-line on July 6, 2023 at 11:00 AM CST at www.santarosa.realforeclose.com. The Santa Rosa County Clerk of Court shall sell the property described to the highest bidder for cash after giving notice as required by section 45.031, Florida Statutes.
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.
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 the plaintiff's costs which includes any additional advances; 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 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.
6. 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 chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of tile shall be let into possession of the property.
7. Jurisdiction. The Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: orders related to pursuit and entry of deficiency judgment, if Defendant has not been discharged in bankruptcy, or it is not prohibited by federal law or mutual settlement agreement; orders to correct any scrivener's errors in the final judgment; orders granting Plaintiff additional attorney's fees and costs; writs of possession; orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to sections 718.116 or 720.3085 of the Florida Statutes; orders arising out of re-foreclosure, to include permitting a supplemental complaint to add an interest-holder, omitted defendant, and/or; orders involving reformation of the mortgage instrument or deed to perfect title.
8. Upon issuance of the Certificate of Title, Plaintiff or the purchaser at the Foreclosure Sale shall be liable for condominium association dues pursuant to Florida Statutes

718.116.

9. The Court finds that the Plaintiff has re-established the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes. Plaintiff shall hold the Defendant maker of the note harmless and shall indemnify them from any loss they may incur by reason of claim by any other person to enforce the note. Since adequate protection is provided as required by Section 673.3091, Florida Statutes, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note.

10. Plaintiff's Counsel, Deluca Law Group, PLLC, is entitled to bid on behalf of Plaintiff and the Clerk shall allow Deluca Law Group, PLLC, bidding rights at the foreclosure sale.

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 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, (OKALOOSA COUNTY CLERK OF COURT) 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 (NORTHWEST FLORIDA LEGAL SERVICES, INC., D/B/A EMERALD COAST LEGAL AID (701 South "J" STREET PENSACOLA, FLORIDA 32502, (850) 432-2336, www.nwfls.org) 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 NORTHWEST FLORIDA LEGAL SERVICES, INC., FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in Santa Rosa County, Florida.


eSigned by CIRCUIT COURT JUDGE J. SCOTT DUNCAN in z3090023CAMXAX on 06/06/2023 11:40:17.57CVb1mC

**JUDGE J. SCOTT DUNCAN
CIRCUIT JUDGE**

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 order or judgment upon any *pro se* party who does not have access to nor is a registered user of the Florida Courts e-filing Portal.

SERVICE LIST

CASE NO.: 2023-CA-000023

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