

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

PENNYMAC LOAN SERVICES, LLC,

Plaintiff,

v.

**MATTHEW NIXON; JANA L. NIXON;
UNKNOWN PARTY IN POSSESSION 1;
UNKNOWN PARTY IN POSSESSION 2;
WHISPER CREEK HOMEOWNERS
ASSOCIATION OF SANTA ROSA, INC.;
NAVY FEDERAL CREDIT UNION; PEN
AIR FEDERAL CREDIT UNION,**

Defendants.

CASE NO.: 2022-CA-000573

SR CLERK DON SPENCER CIVIL
13 OCT 2023 PM 12:05

IN REM FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Order to Show Cause. The Court having reviewed Plaintiff's Motion for Order to Show Cause for Entry of Final Judgment of Foreclosure, the Order to Show Cause, the verified Complaint and all other documents pertinent to this action, **IT IS ADJUDGED** that an In Rem Final Judgment of Foreclosure is **ENTERED** against all Defendants listed by name: Matthew Nixon; Jana L. Nixon; Whisper Creek Homeowners Association of Santa Rosa, Inc.; Navy Federal Credit Union; and Pen Air Federal Credit Union.

1. **Amounts Due.** Plaintiff, PennyMac Loan Services, LLC, 3043 Townsgate Road #200, Westlake Village, CA 91361 is due:

PRINCIPAL \$154,825.34

INTEREST FROM (11/01/2019 TO 10/13/2023 @ 3.5%) \$21,401.95
Per Diem (\$14.85)

SUBTOTAL \$176,227.29

RECOVERABLE BALANCE \$730.27
Property Inspections \$405.00
Late Fee \$325.27

COUNTY TAXES \$12,128.39
(2017 = \$1,810.20)
(2018 = \$1,881.71)
(2019 = \$1,910.80)
(2020 = \$2,012.40)
(2021 = \$2,133.60)

(2022 = \$2,379.68)

HAZARD INSURANCE PREMIUMS

\$5,791.00

(2017 = \$810.00)

(2018 = \$899.00)

(2019 = \$983.00)

(2020 = \$1,001.00)

(2021 = \$992.00)

(2022 = \$1,106.00)

MORTGAGE INSURANCE PREMIUMS

\$3,250.57

(2017 = \$571.22)

(2018 = \$559.99)

(2019 = \$548.35)

(2020 = \$536.30)

(2021 = \$523.82)

(2022 = \$510.89)

Escrow Credits

(\$10,181.17)

Attorneys' Costs

\$2,441.17

Attorneys' Fees Total

\$7,267.50

TOTAL

\$197,655.02

Which shall bear interest at the prevailing statutory rate of interest.

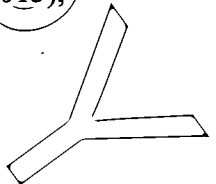
2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendants, Matthew Nixon; Jana L. Nixon; Whisper Creek Homeowners Association of Santa Rosa, Inc.; Navy Federal Credit Union; and Pen Air Federal Credit Union, on the following described property in Santa Rosa County, Florida:

Lot(s) 6, Block N, WHISPER CREEK PHASE THREE, according to the plat as recorded in Plat Book 11, Pages 46 and 47, of the Public Records of Santa Rosa County, Florida.

Property Address: 4725 Integrity Court, Milton, FL 32570

3. **Sale of Property.** 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 November 16, 2023 to the highest bidder for cash, except as prescribed in paragraph 4, in accordance with Section 45.031, Florida Statutes (2013), using the following method:

(CHECK ONE):



_____, beginning at _____ on the prescribed date.

By Electronic sale beginning at 11:00 a.m. CT on the prescribed date at via the online auction site at www.santarosa.realforeclose.com (website).

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 with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.
5. **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 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.
6. **Right of Redemption/Right of Possession.** 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 and Defendant's right of redemption as prescribed by section 45.0315, Florida Statutes (2013), shall be terminated, 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.
7. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, the amount of unpaid assessments under Chapter 718 and/or 720, Florida Statutes, if any, writs of possession; deficiency judgments; re-foreclosure of omitted parties; reforming errors in the legal description or address; orders authorizing Plaintiff to recover any additional pre- and/or post-judgment advances required to protect its mortgage lien and complete the foreclosure sale contemplated by this judgment, including, but not limited to, advances for property taxes, insurance, property preservation costs, and attorneys' fees and costs; and such other, further issues as are just and necessary.
8. **Attorneys' Fees.** The Court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff that the attorney's fees expended were reasonable and that an hourly rate of \$215.00 is appropriate. Plaintiff's counsel represents that the attorneys' fees awarded do not exceed its contract fee with the Plaintiff. The Court finds that there is no reduction or enhancement factor for consideration by the Court pursuant to *Florida Patients Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).
9. **Assessments Pursuant to Chapter 718 and/or 720, Florida Statutes.** The Court finds the Plaintiff is entitled to the statutory limitation of liability for unpaid assessments of

Whisper Creek Homeowners Association of Santa Rosa, Inc. as provided by Chapter 718 and/or 720, 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 THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY 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 CONTACT THE CLERK OF THE COURT FOR SANTA ROSA COUNTY, FLORIDA 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.

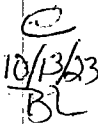
IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING 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 PHONE: 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, 1741 N. PALAFOX STREET, PENSACOLA, FL 32501 PHONE: 850-432-8222, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

ORDERED at Santa Rosa County, Florida, on this October 13, 2023.


Circuit Judge

Conformed Copies:

Tiffany & Bosco, P.A.
1201 S. Orlando Ave., Suite 430


10/13/23
BL

Winter Park, FL 32789
floridaservice@tblaw.com

Matthew Nixon
4725 Integrity Court
Milton, FL 32570

Jana L. Nixon
4725 Integrity Court
Milton, FL 32570

Whisper Creek Homeowners Association of Santa Rosa, Inc.
C/o Glenn Dorsey, Registered Agent
225 North Pace Boulevard
Pensacola, FL 32505

Navy Federal Credit Union
820 Follin Lane SE
Vienna, VA 22180

Pen Air Federal Credit Union
1495 East Nine Mile Road
Pensacola, FL 32514

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