

Filing # 187509468 E-Filed 12/06/2023 04:14:20 PM

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

**WOODBINE SPRINGS PLANTATION
HOMEOWNERS ASSOCIATION, INC.,**

Plaintiff,

v.

CASE NO.: 2023-CC-001005

**KATHERINE APRIL URZUA a/k/a KATHERINE
URZUA; UNKNOWN SPOUSE OF KATHERINE
APRIL URZUA a/k/a KATHERINE URZUA, IF ANY;
RICHARD H. BROWN; UNKNOWN TENANT ONE,
IF ANY; UNKNOWN TENANT TWO, IF ANY; ANY
PERSONS KNOWN OR UNKNOWN CLAIMING AN
INTEREST BY, THROUGH, UNDER, AND AGAINST
THE ABOVE-NAMED DEFENDANT WHO IS NOT
KNOWN TO BE DEAD OR ALIVE, WHETHER SAID
UNKNOWN PARTIES MAY CLAIM AN INTEREST
AS SPOUSE, HEIRS, DEVISEES, GRANTEEES OR
OTHER CLAIMANTS,**

Defendants.

**FINAL JUDGMENT AND ASSESSMENT OF
ATTORNEY'S FEES AND COSTS**

THIS CAUSE having come before the Court upon Plaintiff's Motion for Summary Final Judgment as to Counts I and II, and this Court having taken note that Defendants have been duly served, and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED:

1. This Court has jurisdiction of the subject matter hereto and the parties hereto; that the equities of this cause are with the Plaintiff, **WOODBINE SPRINGS PLANTATION HOMEOWNERS ASSOCIATION, INC.,** c/o Etheridge Property Management, 908 Gardengate Circle, Pensacola, Florida 32504, and against the Defendants, **KATHERINE APRIL URZUA,** 5208 Rowe Trail, Pace, Florida 32571 and **RICHARD H. BROWN,** 4994 Pattock Place, Pace, Florida 32571.

2. That a Final Judgment as to Counts I and II is hereby entered in favor of Plaintiff, **WOODBINE SPRINGS PLANTATION HOMEOWNERS ASSOCIATION, INC.,** and against

Defendants named hereinabove, and the following amounts are found to be presently due and owing to the Plaintiff, to wit:

Principal Balance as of November 29, 2023 (\$1,089.00 less payments of \$376.78)	\$ 712.22
Interest @ 18% through November 29, 2023 (\$222.90 less payments of \$124.92)	\$ 97.98
Costs (\$1,177.47 less payments of \$46.52)	\$1,130.95
Attorney's Fees (\$5,304.00 less payments of \$538.39)	<u>\$4,765.61</u>
TOTAL	<u>\$6,706.76</u>

The total amount of \$6,707.76 shall be attributed to each Defendant as follows:

Richard H. Brown = 1/4 of Final Judgment for
1/2 of 2022 assessment **\$1,676.69**

Katherine A. Urzua = 3/4 of the Final Judgment amount
For 1/2 of 2022 assessment and 2/2 of 2023 assessment **\$5,030.07**

Together with the future costs of this suit, and that such sums constitute a first lien on the real property hereinafter described. Interest will accrue on the grand total at 8.54% per annum pursuant to Florida law, for all of which let execution issue. The Court finds pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985), that the number of hours expended by Plaintiff's counsel and the hourly rates charged, are reasonable in light of the complexity of this cause, the result obtained, the degree of expertise necessary and the amount in controversy. The Court finds, therefore, that the attorney's fees awarded to Emmanuel, Sheppard & Condon are reasonable under Florida law.

3. That a lien is held by the Plaintiff, **WOODBINE SPRINGS PLANTATION HOMEOWNERS ASSOCIATION, INC.**, for the grand total sum specified in the preceding paragraph superior in dignity to any right, title, interest or claim of the Defendants, upon the property herein foreclosed, situate in Santa Rosa County, Florida, and described as follows:

Lot 28, Block A, **WOODBINE SPRINGS PLANTATION**, according to the Plat thereof, recorded in Plat Book D, Page(s) 16 of the Public Records of Santa Rosa County, Florida.

4. If the total sum with interest at the rate described in paragraph 2 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property

January *RA*

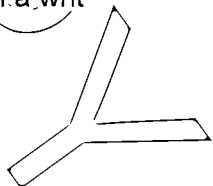
described in paragraph 3 at public sale on the 17th day of December, 2024 at

11:00 AM, or as soon thereafter as same can be done, to the highest bidder for cash, except as prescribed in paragraph 5, in accordance with §45.031, Florida Statutes, using the following method: By ELECTRONIC SALE beginning at 11:00 a.m. on the prescribed date at www.santarosa.realforeclose.com.

5. That the 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.

6. 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 attorney's fees; fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

7. That upon issuance of the Certificate of Sale, the Defendants, and any and all persons claiming by, through or under said Defendants, or any or some of them, since the filing of the Lis Pendens herein, shall be forever barred and foreclosed of and from any and all right, title, interest, claim or demand of any kind or nature whatsoever, in and to the property hereinabove described, except as to claims or rights under chapter 718 or 720, Florida Statutes, if any. Upon issuance of the Certificate of Title, the purchaser at the sale, his representatives or assigns, shall be entitled to immediate possession of said property. If any Defendant remains in possession of the property, the clerk shall without further order of the Court issue forthwith a writ of possession upon request of the person named on the certificate of title.



8. That anything hereinabove to the contrary notwithstanding, this Order shall be without prejudice to the Defendant or any of them, to subsequently petition for and establish their respective rights to any surplus which may arise as a result of the foreclosure sale.

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

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, 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 CHECK WITH THE SANTA ROSA CLERK OF THE COURT, 4025 AVALON BOULEVARD, MILTON, FL 32583, (850) 981-5554, 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 NORTHWEST FLORIDA LEGAL SERVICES, 226 S. PALAFOX PLACE, FLOOR 10, PENSACOLA, FL 32502, (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 OTHER OPTIONS. IF YOU CHOOSE TO CONTACT NORTHWEST FLORIDA LEGAL SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED in chambers at Milton, Santa Rosa County, Florida, on this the 6th day of December, 2023.

Robert Hilliard
COUNTY 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 upon any *pro se* party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal.

cc:
Andrea C. Lyons, Esq.
Richard H. Brown, via e-Filing portal
Katherine Urzua
5208 Rowe Trail
Pace, Florida 32571

Judgment Creditor:
Woodbine Springs Plantation
Homeowners Association, Inc.
c/o Etheridge Property Management
908 Gardengate Circle
Pensacola, Florida 32504

*emailed to Plaintiff's
Attorney 12/6/23
JW*

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