

Filing #188535456 E-Filed 12/21/2023 03:36:01 PM

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

MORTON COMMUNITY BANK,

GENERAL JURISDICTION DIVISION

**PLAINTIFF,
VS.**

CASE NO. 23000682CAMXAX

JERRY L. SHELTON; MELISSA R. SHELTON,

DEFENDANTS.

FINAL JUDGMENT

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Judgment on December 21, 2023. On the evidence presented through the affidavits attached to the Motion for Summary Judgment, filed in the court record, and all parties having been duly and properly noticed, it is

ORDERED AND ADJUDGED that the:

1. Plaintiff, Morton Community Bank, 721 W. Jackson Street, Morton, Illinois 61550, is due:

Principal		\$176,475.36
Accrued Interest from 9/1/2022 through 09/11/2023		\$7,620.65
Per Diem Interest from 09/12/2023 through 12/21/2023 @ \$20.07		\$2,027.07
Pre-acceleration Late Charges		\$337.47
Tax Advances		\$4,835.80
<u>Attorneys' fees</u>		
Flat Fee	\$4,140.00	
Additional Flat Fee - Motion to Dispense with Mediation	\$350.00	
Additional Flat Fee - Mediation	\$212.50	
Additional Flat Fee - Notice of Final Service	\$250.00	
Attorneys' fees total		\$4,952.50
Complaint filing		\$930.00
Service of Process		\$433.70
Title Search		\$400.00
Recording, Lis Pendens		\$5.00
Expert Affidavit		\$10.00
2023 Taxes Paid		\$2,219.63
TOTAL		\$200,247.18

* The requested attorney's fee is 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.

2. The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of interest in accordance with Section 55.03, Florida Statutes.

3. Plaintiff holds a lien for the total sum superior to all claims or estates of defendants, on the following described property in Santa Rosa County, Florida:

LOT 11, BLOCK A, CREETWOODS, A SUBDIVISION OF A PORTION OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 26 WEST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK G, PAGE 98, OF THE PUBLIC RECORDS OF SANTA ROSA COUNTY, FLORIDA.

4. 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 1, 2024**, to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 4025 Avalon Blvd. in Santa Rosa County in Milton, Florida, in accordance with section 45.031, Florida Statutes, using the following method (CHECK ONE):

- At _____, beginning at _____ on the prescribed date.
- By electronic sale beginning at 11:00 am CST on the prescribed date at www.santarosa.realforeclose.com.

5. 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 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.

7. 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.

8. Jurisdiction of this action is retained to enter further orders that are necessary or are proper including, but not limited to re-foreclosure against any subordinate interest omitted from these proceedings, determining the amounts owed to any condominium or homeowners association, issuance of a writ of possession and the entry of a deficiency judgment, when and if such deficiency is sought if the parties liable under the note have not been discharged in bankruptcy (however no deficiency may be sought if the parties liable under the note were subject to an order allowing Plaintiff or its predecessors-in-interest only in rem relief from the bankruptcy automatic stay).

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

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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 CLERK OF THE COURT, 4025 AVALON BLVD., MILTON, FLORIDA 32583 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 32501 AT (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. FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

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 and is not a registered user of the Florida Courts e-Filing Portal.

DONE AND ORDERED.

12/21/2023 14:35:49
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signed by CIRCUIT COURT JUDGE CLIFTON DRAKE 12/21/2023 02:35:49 UR3Y2udL

CLIFTON A. DRAKE

Circuit Judge

Copies furnished:

Julie York, Esq.
Brock & Scott, PLLC
Attorney for Plaintiff
4919 Memorial Hwy, Suite 135
Tampa, FL 33634

Jerry L. Shelton
155 Blake Avenue Unit G3
Fort Walton Beach, FL 32548

Melissa R. Shelton
2847 Heritage Circle
Navarre, FL 32566

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