

CLMTR

IN THE SIXTH JUDICIAL CIRCUIT COURT FOR  
PINELLAS COUNTY, FLORIDA  
COUNTY CIVIL DIVISION

FILED  
CIVIL COURT REC. DIV.  
2014 JAN 24 PM 3:50  
KEN BURKE  
CLERK OF CIRCUIT COURT

WHITTINGTON COURT TOWNHOMES  
ASSOCIATION, INC.,  
a Florida not for profit corporation,

Plaintiff,

CASE NO.: 13-009345-CO

vs.

██████████; UNKNOWN SPOUSE(S)/  
OWNER(S)/TENANT(S) IN POSSESSION,

Defendants.

**FINAL JUDGMENT OF FORECLOSURE**

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Judgment and for Attorneys' Fees and Costs on January 23, 2014.

IT IS ADJUDGED that:

- The Plaintiff's Motion for Summary Judgment and for Attorney's Fees and Costs is GRANTED. Service of process has been duly and regularly obtained over defendant Crystal Isom.
- VALUE OF CLAIM:** At the initiation of the action, in accordance with section 28.241(1)(a)2.b., Florida Statutes (effective for actions filed on and after June 1, 2009), Plaintiff estimated the amount in controversy of the claim to be \$1,810.35. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$6,479.61. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk of the Court shall adjust the filing fee. In determining whether the filing fee needs to be adjusted, the following graduated filing fee scale in section 28.241(1)(a)2.d., Florida Statutes, controls:

\$400	Value of claim less than or equal to \$50,000 with 5 defendants or less
\$905	Value of claim greater than \$50,000 but less than \$250,000 with 5 defendants or less
\$1,905	Value of claim \$250,000 or greater with 5 defendants or less

If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the fee prior to the judicial

CLERK

**sale. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.**

3. There is now due and owing to the Plaintiff and Plaintiff does recover of and from defendant Crystal Isom, with a mailing address of 10616 Whittington Court, Largo FL 33773, the following sums:

Description & Due Date	Amount
2/4/13 - 8/26/13 Specific Assessment - Water Account	\$ 185.87
5/1/13 - 12/1/13 Monthly Assessments at \$200.00/month	\$ 1,600.00
1/1/14 Monthly Assessment at \$224.00/month	\$ 224.00
5/1/13 - 12/1/13 Late Fees on Monthly Assessment at \$25.00/month	\$ 175.00
Attorneys' Fees (20.6 hours at \$168.97/hour)	\$ 3,480.87
Costs of Collection	\$ 813.87
<b>TOTAL</b>	<b>\$ 6,479.61</b>

4. The total sum referenced in paragraph 3 shall bear interest from this date forward at the prevailing legal rate of interest.
5. Plaintiff holds a lien for the total sum specified in paragraph 3 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest, or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants, and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to sections 718.116 or 720.3085, Florida Statutes. The Plaintiff's lien encumbers the subject property located in Pinellas County, Florida, described as:

**[SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A].**

Property Address: [REDACTED], Largo FL 33773.

6. If the total sum with interest at the rate described in paragraph 4 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property to the highest bidder for cash at public sale on February 28, 2014 at 10:00 a.m. after having first given notice as required by Fla. Stat. § 48.031. The judicial sale will be conducted electronically online at the following website: <http://www.pinellas.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. Plaintiff or its attorney shall be responsible for preparing, in accordance with Fla. Stat. § 45.031(2), and submitting the Notice of Sale to a legal publication. The original Notice of Sale and Proof of Publication must be filed with the Clerk of the Court at least 24 hours prior to the scheduled sale date.
7. 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. 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. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid. The purchaser of the property shall be required to pay the electronic sales fee assessed in accordance with Fla. Stat. § 45.035(3). The Clerk will not issue the certificate of title if the electronic sales fee is not paid.

8. If Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 6 herein, Plaintiff may, by written motion served on all parties, seek to amend this final judgment to include said additional expenses.
9. On filing the certificate of title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: (1) all of Plaintiff's costs; (2) documentary stamps affixed to the certificate of title, unless the property is purchased by a third party bidder; (3) Plaintiff's attorneys' fees; (4) the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 4 from this date to the date of the sale. The Clerk shall retain any remaining amount pending further order of this Court.
10. On filing of the certificate of title, defendants and all persons claiming under or against defendants 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 or chapter 720, Florida Statutes, if any. Upon filing of the certificate of title, the person named in the certificate of title shall be let into possession of the property. On filing of the certificate of sale, defendants' rights of redemption as proscribed by section 45.0315 of Florida Statutes shall be terminated.
11. The Court finds that the attorneys' fees described in Plaintiff's Affidavit as to Attorneys' Fees and Costs are and were reasonable and that the amount requested as an award is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).
12. Pursuant to Fla. Stat. § 45.031:

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.

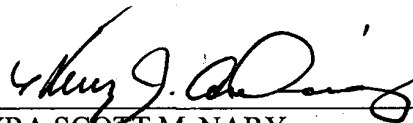
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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 AT 813-276-8100 EXT. 4733 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 Bay Area Legal Services – West; 2600 – 9<sup>th</sup> Street North, Suite 401, St. Petersburg, FL 33704, (727) 490-4040, TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF YOU CHOOSE TO CONTACT The Pinellas County Bar Association Referral Service at 727-446-0840. FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

13. The Plaintiff may assign the judgment and credit bid by the filing of an assignment prior to the issuance of a certificate of title without further order of this Court.
14. This Court retains jurisdiction of this action to enter further orders that are proper, including without limitation orders authorizing writs of possession and deficiency judgments.

DONE AND ORDERED in Pinellas County, Florida on January 23, 2017.

  
 for MYRA SCOTT McNARY  
 County Court Judge

CIMTR

Copies to:

Frank S. Harrison, Esq.  
Fowler White Boggs P.A.  
P.O. Box 1438  
Tampa, FL 33601

[REDACTED]  
Largo, FL 33773

[REDACTED]  
Largo, FL 33776

SAMPLE  
HomeInfoMax.com

**EXHIBIT A**

**Property Description**

**LOT 4, BLOCK 103, of WHITTINGTON COURT TOWNHOMES, according to the map or plat thereof, as recorded in Plat Book 134, Pages 5 thru 8, of the Public Records of Pinellas County, Florida.**

46217561v1

SAMPLE  
HomeInfoMax.com