

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
CIVIL ACTION

GMAC MORTGAGE LLC F/K/A GMAC MORTGAGE
CORPORATION,
Plaintiff,

vs.

CASE NO. 17-2009-CA-004419
DIVISION E

JASON D. ALLGYER; ELIZABETH C. ALLGYER; ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND
AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S)
WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER
SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEEES, OR OTHER
CLAIMANTS;
Defendant(s).

FILED CIVIL DIVISION
2010 AUG 19 PM 4:40
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY FL
SPACE FOR RECORDING ONLY
F.S. §695.26

FINAL SUMMARY JUDGMENT OF MORTGAGE FORECLOSURE

IT IS ADJUDGED THAT:

1. Plaintiff GMAC MORTGAGE LLC F/K/A GMAC MORTGAGE CORPORATION, 1100

Virginia Drive , Fort Washington, PA 19034 is due:

UNPAID PRINCIPAL BALANCE	\$102,316.81
INTEREST ON THE NOTE AND MORTGAGE FROM 07/01/2009 TO 09/14/2010	10,071.75
PER DIEM INTEREST AT 7.875% FROM 09/14/2010 TO 08/19/2010	-574.08
PRE-ACCELERATED LATE CHARGES THROUGH December 04, 2009	326.41
PROPERTY INSPECTIONS	90.01
TAXES	0.00
INSURANCE	1,090.45
TITLE SEARCH	275.00

FILE_NUMBER: F09120568



Serial: 14701893
DOC_ID: M002400

Case: 2009 CA 004419

00082743684

Dkt: CA1036 Pg#:

UNAPPLIED FUNDS	-139.89
FAX PAYOFF STATEMENT	5.00
TITLE SEARCH EXPENSES	0.00
TITLE EXAMINATION FEE	0.00
FILING FEE	955.00
INVESTIGATION/SERVICE OF PROCESS	633.50
NOA PUBLICATION FEE	362.13
RECORDING FEE	5.00
PRE SUIT INVESTIGATION	100.00
ATTORNEY'S FEE	1,250.00

TOTAL

\$116,767.09

That shall bear interest at the rate of 6% a year.

2. Plaintiff holds a lien for the total sum-superior to all claims, or estates of Defendant(s) on the following-described property in ESCAMBIA County, Florida:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 18 FOR A DISTANCE OF 438.89 FEET; THENCE NORTHERLY DEFLECTING 91 DEGREES 46 MINUTES TO THE RIGHT FOR A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF HELMS ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ON AN EXTENSION OF THE LINE LAST DESCRIBED FOR A DISTANCE OF 293.00 FEET; THENCE EASTERLY DEFLECTING 88 DEGREES 14 MINUTES TO THE RIGHT FOR A DISTANCE OF 147.00 FEET; THENCE SOUTHERLY DEFLECTING 91 DEGREES 46 MINUTES TO THE RIGHT FOR A DISTANCE OF 296.33 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE WESTERLY DEFLECTING 88 DEGREES 14 MINUTES TO THE RIGHT ALONG SAID NORTH RIGHT OF WAY LINE FOR A DISTANCE OF 147.00 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 18, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA

A/K/A 7320 HELMS ROAD PENSACOLA, FL 32526

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 Clerk of this Court shall sell the property at a public sale on September 14, 2010, at 11:00AM, or as soon thereafter as the sale may proceed, to the highest bidder for cash, except as prescribed in paragraph 5

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4. Plaintiff shall advance all subsequent costs of this 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 bid may be assigned without further Order of this Court and the Clerk shall credit the 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 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 1 from this date to the date of the sale; and by retaining any amount remaining pending the further Order of this Court.

6. 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, 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. 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.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment, if Plaintiff is not limited to in rem stay relief in an active bankruptcy case and/or if borrower(s) has not been discharged in bankruptcy or constructively served, together with additional attorney's fees, if appropriate.

**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 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.

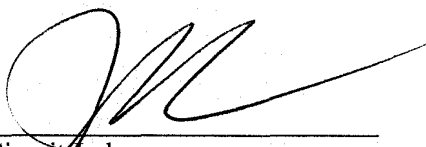
If you are the property owner, you may claim these funds yourself. You are not required to have a lawyer or any other representation and you do not have to assign your rights to anyone else in order for you to claim any money to which you are entitled. Please check with the Clerk of the Court, ESCAMBIA County, 190 Governmental Ctr, Pensacola, FL 32501-5796, Phone: 850-595-4130, 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 Legal Services of North Florida, Inc. - Pensacola Office (850)432-8222, Northwest Florida Legal Services, Inc. - Main Office (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 Legal Services of North Florida, Inc. - Pensacola Office (850)432-8222, Northwest Florida Legal Services, Inc. - Main Office (850)432-2336, for assistance, you should do so as soon as possible after receipt of this notice.

8. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that a flat-rate attorney fee of \$1,250.00 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS 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).

COUNT II - RE-ESTABLISHMENT OF NOTE

9. The Mortgage Note is hereby re-established pursuant Florida Statutes §673.3091 (2006).

DONE AND ORDERED in Chambers, in ESCAMBIA County, Florida, this 19 day of August, 2010.



Circuit Judge

Copies furnished to:

Service List

8/23/10
10/2/10
✓ JASON D. ALLGYER
7320 Helms Road
Pensacola, FL 32526

✓ ELIZABETH C. ALLGYER
7320 Helms Road
Pensacola, FL 32526