

IN THE CIRCUIT COURT OF THE 1ST
JUDICIAL CIRCUIT IN AND FOR ESCAMBIA
COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO: 17-2008-CA-001423

**CITIMORTGAGE, INC., SUCCESSOR
BY MERGER TO CITIFINANCIAL
MORTGAGE COMPANY, INC.
SUCCESSOR BY MERGER TO CF
MORTGAGE SERVICES COMPANY
F/K/A CITIFINANCIAL MORTGAGE
COMPANY,**

Plaintiff,

vs.

THE UNKNOWN SPOUSE OF HEIRS,
DEVISEES, GRANTEEES, ASSIGNEES,
LIENORS CREDITORS, TRUSTEES
AND ALL OTHER PARTIES
CLAIMING AN INTEREST BY,
THROUGH, UNDER OR AGAINST
THE ESTATE OF MARGARET J.
DERSHEM, DECEASED; ANGELA J.
KELLY; C.D. GARRETT A/K/A
CHRISTY D. GARRETT; UNKNOWN
SPOUSE OF C.D. GARRETT A/K/A
CHRISTY D. GARRETT IF ANY;
ESCAMBIA COUNTY, FLORIDA;
JOHN DOE AND JANE DOE AS
UNKNOWN TENANTS IN
POSSESSION,

ERNEST LEE MAGAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL
2010 AUG 30 P 3:48
CIRCUIT CIVIL DIVISION
FILED & RECORDED

Defendants

FINAL JUDGMENT OF FORECLOSURE

This action was heard before the court on August 30, 2010. On the evidence presented
IT IS ORDERED AND ADJUDGED that:

1. Plaintiff, CITIMORTGAGE, INC., SUCCESSOR BY MERGER TO CITIFINANCIAL
MORTGAGE COMPANY, INC. SUCCESSOR BY MERGER TO CF MORTGAGE



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Case: 2008 CA 001423



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Dkt: CA1036 Pg#:

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SERVICES COMPANY F/K/A CITIFINANCIAL MORTGAGE COMPANY, C/O
CITIFINANCIAL MORTGAGE COMPANY

1111 NORTHPOINT DRIVE, BLDG 4, STE 100, COPPELL, TX 75019, is due:

Principal:	\$43,227.85
Interest from DECEMBER 2, 2007 to the date of this Judgment:	\$15,142.06
Title Search Expense:	\$400.00
Ad Valorem Taxes:	\$1,786.24
Attorneys' Fees Finding as to reasonable number of hours: 8 Finding as to reasonable hourly rate: 150	
Attorney's Fees Total:	\$1,200.00
Court costs, now taxed:	\$1,422.38
Other:	
Late Charges Accrued Prior to Acceleration:	
Inspections Conducted on Property:	\$123.00
Property Preservation:	\$191.80
Appraisal(s)/BPO	\$303.00
Subtotal:	\$63,796.33
Less: Escrow Balance	
Less: Other	
TOTAL:	\$63,796.33

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:

**LOT 59, BLOCK L, AVONDALE SUBDIVISION, PART "A",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 5, PAGE 32, OF THE PUBLIC RECORDS OF ESCAMBIA
COUNTY, FLORIDA.**

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

public sale on September 30, 2010, to the highest bidder for cash, except as prescribed in paragraph 5, at the courthouse located at 190 GOVERNMENTAL CENTER in ESCAMBIA County in PENSACOLA, Florida, in accordance with section 45.031, Florida Statutes, using the following method (CHECK ONE):

☐ At NOT APPLICABLE

☒ By electronic sale beginning at 11:00 AM on the prescribed date at www.escambia.realforeclose.com

4. 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. 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. 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 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 FOR ESCAMBIA COUNTY, TELEPHONE NUMBER (850) 595-4130, 190 GOVERNMENTAL CENTER, PENSACOLA, FL 32501, 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, INC, (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, INC FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

8. In the event the instant case is dismissed by the Plaintiff, the Clerk of Court is hereby directed to release any original loan documents filed with the Court to counsel of record for Plaintiff.
9. The Court finds that the Plaintiff has proved the terms of the lost Note and its right to enforce the instrument(s) as required by Florida Statute Section 673.3091. The Plaintiff shall henceforth hold the defendant maker(s) of the Note harmless and

shall indemnify them from any loss they may incur by reason of a claim by any other person to enforce the lost Note. Since adequate protection is therefore provided as required by Florida Statute Section 673.3091, judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost Note.

DONE AND ORDERED in Pensacola at ESCAMBIA County, Florida, this 30th day of

August, 2010.


Nickolas Geeker, Circuit Judge

9/1/10 pr
Copies furnished to:
LAW OFFICES OF DAVID J. STERN, P.A.

✓ THE UNKNOWN SPOUSE OF HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS CREDITORS,
✓ TRUSTEES AND ALL OTHER PARTIES CLAIMING AN INTEREST BY, THROUGH, UNDER OR AGAINST
THE ESTATE OF MARGARET J. DERSHEM, DECEASED
5653 WICKFORD LANE
PENSACOLA, FL 32526

✓ ANGELA J. KELLY
8501 NANTUCKET PLACE 8 Bail Dine 32505
PENSACOLA, FL 32514

✓ C.D. GARRETT A/K/A CHRISTY D. GARRETT
✓ UNKNOWN SPOUSE OF C.D. GARRETT A/K/A CHRISTY D. GARRETT
3720 PLEASANT VALLEY ROAD
COSBY, TN 37722

✓ C.D. GARRETT A/K/A CHRISTY D. GARRETT
✓ UNKNOWN SPOUSE OF C.D. GARRETT A/K/A CHRISTY D. GARRETT
3525 LANCASTER AVENUE 3601
PHILADELPHIA, PA 19104

✓ FRED H. WAGNER, Esq. ASSISTANT COUNTY ATTY FOR
ESCAMBIA COUNTY, FLORIDA
221 PALAFOX PLACE, SUITE 430
PENSACOLA, FL 32502

✓ CURRENTTENANT(S)
5653 WICKFORD LANE
PENSACOLA, FL 32526