

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN
AND FOR ESCAMBIA COUNTY
CIVIL DIVISION**

21ST MORTGAGE CORPORATION,

Plaintiff,

vs.

CASE NO. 2010-CA-001416

DANIEL W. CAUDLE III A/K/A DANIEL L. CAUDLE III A/K/A
DANIEL C. CAUDLE III; UNKNOWN SPOUSE OF DANIEL W.
CAUDLE III A/K/A DANIEL L. CAUDLE III A/K/A DANIEL C.
CAUDLE III; KATHLEEN CAUDLE; UNKNOWN SPOUSE OF
KATHLEEN CAUDLE; MARILYN WHALEN; UNKNOWN SPOUSE
OF MARILYN WHALEN; WENDY L. CAUDLE; IF LIVING,
INCLUDING ANY UNKNOWN SPOUSE OF SAID DEFENDANT(S),
IF REMARRIED, AND IF DECEASED, THE RESPECTIVE UNKNOWN
HEIRS, DEVISEES, GRANTEES, ASSIGNEES, CREDITORS, LIENORS,
AND TRUSTEES, AND ALL OTHER PERSONS CLAIMING BY,
THROUGH, UNDER OR AGAINST THE NAMED DEFENDANT(S);
STATE OF FLORIDA; CLERK OF THE COURT OF ESCAMBIA
COUNTY; ESCAMBIA COUNTY, A POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA; WHETHER DISSOLVED OR PRESENTLY
EXISTING, TOGETHER WITH ANY GRANTEES, ASSIGNEES,
CREDITORS, LIENORS, OR TRUSTEES OF SAID DEFENDANT(S)
AND ALL OTHER PERSONS CLAIMING BY, THROUGH, UNDER,
OR AGAINST DEFENDANT(S); UNKNOWN TENANT #1;
UNKNOWN TENANT #2;

Defendant(s)

FINAL JUDGMENT

This action was tried before the court. On the evidence presented
IT IS ADJUDGED that:

1. Plaintiff, 21ST MORTGAGE CORPORATION, ONE CENTRE SQUARE
620 MARKET STREET, KNOXVILLE, TN 37902, is due:

CIRCUIT CIVIL DIVISION
FILED & RECORDED

2011 MAR 22 A 9:37

ERNIE LEE MAGAHA
CLERK OF CIRCUIT COURT

Case: 2010 CA 001416
00020503368
Dkt: CA1036 Pg#: 54

| | |
|---|-------------|
| Principal Balance | \$97,214.34 |
| Prejudgment Interest | \$14,824.63 |
| Per diem interest at 9.5% from 9/15/2009 to 03/22/2011 | |
| Pre-Acceleration Late Charges | \$145.00 |
| Hazard Insurance | \$920.55 |
| Property Taxes | \$836.35 |
| Title Search | \$275.00 |
| Clerk's Filing Fee | \$922.50 |
| Clerk's Certified Documents | \$1.00 |
| Service of Process | \$1,231.75 |
| Clerk's Summons Fee | \$120.00 |
| Publication of Notice of Action | \$373.18 |
| Recording Fee | \$33.00 |
| Attorney's Fee | \$850.00 |
| Other* | \$ _____ |

(*The requested attorney's fee is a flat fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor extended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.)

GRAND TOTAL \$117,747.30

that shall bear interest at the prevailing legal rate of interest.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of defendants(s), DANIEL W. CAUDLE III A/K/A DANIEL L. CAUDLE III A/K/A DANIEL C. CAUDLE III and KATHLEEN CAUDLE, married; MARILYN WHALEN; UNKNOWN SPOUSE OF MARILYN WHALEN; WENDY L. CAUDLE; STATE OF FLORIDA; CLERK OF THE COURT OF ESCAMBIA COUNTY; ESCAMBIA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; on the following described property in Escambia County, Florida:

LOTS 8, 9, AND 10, BLOCK 10, TREASURE HILL PARK, BEING A PORTION OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 32 WEST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN DEED BOOK 102, PAGE 286, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

To include a:

2006 NOBI VIN N812384A 0100503434

2006 NOBI VIN N812384B 0100503498

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 April 19, 2011 at 11:00 AM to the highest bidder for cash, except as prescribed in paragraph 4, at www.escambia.realforeclose.com in accordance with section 45.031, Florida Statutes, using the following method:

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

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 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 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 at 5301 CHATHAM AVE, PENSACOLA, FL 32507.

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.

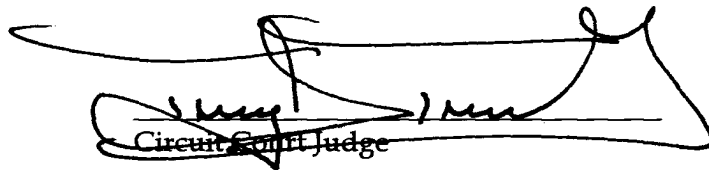
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

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 ESCAMBIA COUNTY CLERK OF COURT, ATTN: CIRCUIT CIVIL, 190 GOVERNMENTAL CENTER, PENSACOLA, FL, 32502, 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., 701 SOUTH J STREET, PENSACOLA, FL, 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 THE RECEIPT OF THIS NOTICE.

8. The rights afforded the defendant(s) under FS 718.116 and 720.3085(2) are preserved in full and are not adversely affected or compromised by this order.

DONE AND ORDERED in Chambers this 22nd day of March, 2011, at Escambia County, Florida.



Circuit Court Judge

3/23/11
cc: km

Law Offices of Daniel C. Consuegra
9204 King Palm Drive
Tampa, FL 33619-1328
Attorneys for Plaintiff

Mailed to all parties listed on the attached service list.

3/23/11WZ
MASTER CIVIL SERVICE LIST

DANIEL W. CAUDLE III A/K/A DANIEL L. CAUDLE III A/K/A DANIEL C. CAUDLE III
✓ 5301 CHATHAM AVE
PENSACOLA, FL 32507

KATHLEEN CAUDLE
✓ 5301 CHATHAM AVE
PENSACOLA, FL 32507

STATE OF FLORIDA
✓ C/O THOMAS F. CONGDON
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL, SUITE PL-01
TALLAHASSEE, FLORIDA 32399-1050

CLERK OF THE COURT OF ESCAMBIA COUNTY
✓ C/O PAULA G. DRUMMOND
PAULA G. DRUMMOND, P.L.
P.O. BOX 2637
PENSACOLA, FL 32513-2637

✓ ESCAMBIA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA
C/O KRISTIN DIANE HUAL
221 PALAFOX PLACE, SUITE 430
PENSACOLA, FL 32502

cc:
✓ MARILYN WHALEN
2001 WAVE DRIVE
STAFFORD, VA 22554

WENDY L. CAUDLE
5415 MURRAY LANE - no copy provided
PENSACOLA, FL 32526