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

Case No.: 2017-CA-000995  
Division: WF

FIFTH THIRD MORTGAGE  
COMPANY

Plaintiff,

vs.

JEFFERY GIBSON A/K/A JEFFERY  
P. GIBSON, UNITED STATES OF  
AMERICA, INTERNAL REVENUE  
SERVICE,

Defendants.

\_\_\_\_\_ /

**FINAL JUDGMENT OF FORECLOSURE**

THIS CAUSE came to be heard on November 13, 2017, for non-jury trial before  
☒ the undersigned Circuit Judge and on the evidence presented and the Court being otherwise  
fully advised in the premises, it is thereupon,  
☐ the General Magistrate. The General Magistrate's Report and Recommendations on Final  
Judgment of Foreclosure dated \_\_\_\_\_, 201\_\_\_\_, to which no timely exception  
was filed has been reviewed by the Court and it is hereby ratified, approved, and incorporated  
herein, it is thereupon,

**ORDERED AND ADJUDGED** as follows:

1. Final judgment is entered for Plaintiff, FIFTH THIRD MORTGAGE COMPANY,  
against Defendant(s): JEFFERY GIBSON A/K/A JEFFERY P. GIBSON; UNITED STATES  
OF AMERICA, INTERNAL REVENUE SERVICE.

2. **Amounts Due and Owing.** Plaintiff, FIFTH THIRD MORTGAGE COMPANY, is due:

Principal	\$215,497.46
Accrued interest 01/01/2017 to 11/13/2017	\$7,407.73
Per diem interest at 3.750%	
Pre Accelerated Late Charges	\$86.08
Title Search	\$325.00
Hazard Insurance	\$40.17
Attorneys' Fees:	
Finding as to reasonable number of hours 2	
Finding as to reasonable hourly rate\$175.00	
Other* \$2,800.00	
Attorneys' Fees Total	\$3,150.00
* (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.)	
<b><u>Court Costs:</u></b>	
Filing Fee	\$945.00
Service of Process	\$356.75
<b>SUBTOTAL</b>	\$227,808.19
<b><u>Additional Costs:</u></b>	
Property Inspections	\$20.00
Property Preservation	\$1,258.00
<b>SUBTOTAL</b>	\$1,278.00
Escrow Credit	(\$)
<b>GRAND TOTAL</b>	\$229,086.19

3. **Interest.** The grand total amount referenced in paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest, which is presently 5.35% per year.

4. **Lien on Property.** Plaintiff, whose address is 5001 Kingsley Drive, Cincinnati, OH 45227-1114, holds a lien for the grand total sum superior to all claims or estates of the Defendant(s), on the following described property in Escambia County, Florida:

THE NORTH 1/2 OF LOTS 11, 12 AND 13, BLOCK 141, NEW CITY TRACT, LEE AND HARDING PLAN, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, AS SHOWN ON MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

Property address: 1017 NORTH 19TH AVE PENSACOLA, FL 32501.

5. **Sale of Property.** If the grand total sum with interest at the rate described in paragraph 3, and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the property at electronic sale on March 20, 2018, at 11:00 A.M. to the highest bidder for cash, except as prescribed in paragraph 6, in accordance with section 45.031, Florida Statutes. Sales are held online at [www.escambia.realforeclose.com](http://www.escambia.realforeclose.com).

6. **Costs.** 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 documentary stamps affixed to 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.

7. **Distribution of Proceeds.** 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 the 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 3 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

8. **Right of Possession.** Upon filing of 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, Fla. Stat., if any. Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

9. **Jurisdiction.** The Court retains jurisdiction of this action to enter further orders that are proper, including without limitation, orders authorizing writs of possession; an award of additional attorney's fees; to enter a deficiency judgment against those parties who may be personally liable and not discharged in bankruptcy, except as may otherwise be provided in this judgment; to enter a reforeclosure judgment/order to correct errors or omissions in this foreclosure action; or to determine the amounts due any association under §718.116 or §720.3085.

10. The Court also reserves jurisdiction so that in the event additional sums are expended by Plaintiff to protect its interest in the property after entry of this judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs, Plaintiff may file an affidavit setting forth such expenditures and the Court may enter an order awarding Plaintiff the amount expended and add it to the grand total amount due under this final judgment, or if the property has been redeemed by payment of the judgment the Court can enter a new foreclosure judgment for the amount expended.

**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 LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (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, 190 GOVERNMENTAL CENTER, PENSACOLA , FLORIDA (TELEPHONE: 850-595-4130), 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 Northwest Florida Legal Services, Inc.-Pensacola-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.-Pensacola-850-432-2336, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

11. The United States of America has a specific one hundred twenty (120) day right of redemption granted pursuant to Title 26, United States Code, Statute 7425(d)(1) and/or Title 28,

United States Code, Statute 2410(c) and, further, is not bound by the sixty (60) day time period imposed by Florida Statute, Section 45.032 upon motions for distribution of surplus proceeds.

**DONE AND ORDERED** in Escambia County, Florida, on November 13, 2017

  
\_\_\_\_\_  
CIRCUIT JUDGE

Conformed Copy furnished to:

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