

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,**

**CASE NO.: 17-CA-11021**

**v.**

**TAX EASE FLORIDA REO, LLC; and  
RAMON CENTENO,  
Defendants.**

CLERK OF THE  
CIRCUIT COURT  
2018 MAR - 1 PM 2:24  
COURTS

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits, papers, or pleadings which would create a genuine issue of material fact which would preclude summary judgment.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 16502, Page 91; and OR Book 15944, Page 367.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$2,242,559.06, as set forth below. 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 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 additional fee at least 24 hours prior to the judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$2,238,655.06
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$420.00
Service of process costs	\$390.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$2,240,059.06</b>
Attorney's fees	\$2,500.00
<b>TOTAL SUM</b>	<b>\$2,242,559.06</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.53% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

Lots 4 and 5, Block 4, GREENS ADDITION TO DOVER, a subdivision according to the plat thereof recorded at Plat Book 18, Page 30, in the Public Records of Hillsborough County, Florida.

FOLIO # 83467-0000.

Commonly referred to as 14245 HOLINESS CHURCH RD, DOVER, FL.

8. 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 APRIL 3,

20 18, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

15. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment, to enter a deficiency judgment, and orders compelling the judgment debtor(s) to complete form 1.977 and all required attachments, and serve it on the judgment creditor's attorney.

**DONE AND ORDERED** in Hillsborough County, Florida, on this 1st day of March, 2018.



Honorable Rex M. Barbas

Cc: Matthew Weidner, Esq.  
*Attorney for Plaintiff*

TAX EASE FLORIDA REO, LLC  
C/O CT CORPORATION SERVICE COMPANY – Registered Agent  
1201 HAYS STREET  
TALLAHASSEE, FL 32301

RAMON CENTENO  
1201 OAK POINTE PLACE  
PLANT CITY, FL 33563

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,**

**CASE NO.: 18-CA-675**

**v.**

**WELLS FARGO OBO TLST 2010-1 R1,  
Defendant.**

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits, papers, or pleadings which would create a genuine issue of material fact which would preclude summary judgment.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 20802, Page 1743.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$27,434.41, as set forth below. 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 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 additional fee at least 24 hours prior to the

judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$10,032.89
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$420.00
Service of process costs	\$150.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Real Foreclose Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$11,266.89</b>
Attorney's fees	\$1,500.00
<b>TOTAL SUM</b>	<b>\$12,766.89</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

Lots 9 and 10, Block 13, MANHATTAN PARK, a subdivision according to the plat thereof recorded at Plat Book 22, Page 1, in the Public Records of Hillsborough County, Florida.

FOLIO # 003054-0000.

Commonly referred to as 7320 EDGEMERE RD., TAMPA, FL.

8. 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 JUL 26 2018, 2018, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

15. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment. Plaintiff has agreed to waive any deficiency judgment.

**DONE AND ORDERED** in Hillsborough County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Honorable E. Lamar Battles

**ORIGINAL SIGNED**  
**JUN 20 2018**  
EMMETT L. BATTLES  
CIRCUIT JUDGE

**Copies:**

MATTHEW WEIDNER

WELLS FARGO OBO TLST 2010-1 R1  
C/O CORPORATION SERVICE COMPANY  
1201 HAYES STREET  
TALLAHASSEE, FL 32301

JUN - 4 2018  
28

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,

CASE NO.: 18-CA-738

v.

JAMES A. LAIR;  
DEPARTMENT OF THE TREASURY - INTERNAL REVENUE SERVICE; and  
THE BANK OF TAMPA,  
Defendants.

FINAL JUDGMENT

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED that:**

1. Defendants were properly served.
2. Defendants failed to file any affidavits, papers, or pleadings which would create a genuine issue of material fact which would preclude summary judgment.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at 21948, Page 1375, and Official Records Book 25160, Page 282.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$1,480,319.00, as set forth below. 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 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 additional fee at least 24 hours prior to the judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$1,476,500.00
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$440.00
Service of process costs	\$285.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$1,477,819.00</b>
Attorney's fees	\$2,500.00
<b>TOTAL SUM</b>	<b>\$1,480,319.00</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

From a point which is 35.0 feet West and 36.73 feet North of the Southeast corner of Section 19, Township 27 South, Range 18 East, run North 87°12' West, along a line which is parallel to and 35.0 feet from the South boundary of said Section 19, for a distance of 536.33 feet for a POINT OF BEGINNING, then continue North 87°12' West, a distance of 125 feet, thence North 720.67 feet, thence East 125 feet, thence South to the POINT OF BEGINNING, all lying and being in Hillsborough County, Florida.

FOLIO # 014626-0000.

Commonly referred to as 5101 LAKE LE CLARE RD, LUTZ, FL 33558.

8. 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 JUL 11 2018, 20\_\_\_\_, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realestate.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1349, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

15. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01,

Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment. Plaintiff has agreed to waive any deficiency judgment.

17. Pursuant to 28 U.S.C. Section 2410 The United States shall have one year from the date of sale within which to redeem, except that with respect to a lien arising under the internal revenue laws the period shall be 120 days or the period allowable for redemption under Florida State law, whichever is longer, and in any case in which, under the provisions of section 505 of the Housing Act of 1950, as amended (12 U.S.C. 1701k), and subsection (d) of section 3720 of title 38 of the United States Code, the right to redeem does not arise, there shall be no right of redemption. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien and where property is sold to satisfy a first lien held by the United States, the United States may bid at the sale such sum, not exceeding the amount of its claim with expenses of sale, as may be directed by the head (or his delegate) of the department or agency of the United States which has charge of the administration of the laws in respect to which the claim of the United States arises. In any case where the United States is a bidder at the judicial sale, it may credit the amount determined to be due it against the amount it bids at such sales.

**DONE AND ORDERED** in Hillsborough County, Florida, on this 30th day of May, 2018.

ORIGINAL SIGNED  
MAY 30 2018  
GREGORY P. HOLDER  
CIRCUIT JUDGE

Honorable Gregory P. Holder

Cc: Matthew Weidner, Esq.  
250 Mirror Lake Dr. N.  
St. Petersburg, FL 33701  
*Attorney for Plaintiff*

Ryan C. Torrens, Esq.  
TORRENS LAW GROUP, P.A.  
4016 Henderson Blvd., Ste. D  
Tampa, FL 33629  
[ryan@torrenslawgroup.com](mailto:ryan@torrenslawgroup.com)  
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*Attorney for Defendant James Lair*

Colleen Murphy Davis, Esq.  
400 North Tampa Street, Ste. 3200  
Tampa, FL 33602  
[USAFLM.State.Foreclosures@usdoj.gov](mailto:USAFLM.State.Foreclosures@usdoj.gov)  
*Attorney for defendant Department of the Treasury*

The Bank of Tampa  
4503 Woodland Corporate Blvd.  
Suite 100  
Tampa, FL 33614

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,  
v.**

**CASE NO.: 18-CA-1966**

**THOMAS J. WARD;  
DONNA M. WARD;  
CITIFINANCIAL SERVICES, INC.; and  
BRIAN KEITH MITCHELL,  
Defendants.**

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits or evidence which would create a genuine issue of material fact which would preclude summary judgment. Summary Judgment is undisputed as a matter of law.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 16211, Page 801; Book 18851, Page 163; and OR Book 18870, Page 1802.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$1,035,462.00, as set forth below. 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 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 additional fee at least 24 hours prior to the judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$19,050.19
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$454.00
Service of process costs	\$840.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Real Foreclose Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$21,008.19</b>
Attorney's fees	\$2,500.00
<b>TOTAL SUM</b>	<b>\$23,508.19</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

8. The East 50 feet of the West 167 feet of the following tract of land to wit: That certain strip of land approximately 50 feet wide, between the Atlantic Coast Line Railroad right of way and the right of way of State Road #600 (formerly State Road #17) touching both of the said rights of way at every point through the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 28 South, Range 22 East, bounded on the East by half Section line and on the West by quarter Section line, less the right of way of paved public or county road generally known as the Youmans and Springhead paved road;

Begin at the intersection of the center of the Youmans-Springhead road with the Northerly boundary of the Atlantic Coast Line Railroad right of way, thence run in a Northeasterly direction along the Northerly boundary of said Railroad right of way 117 feet, thence run North to the Southerly boundary of State Road 600, formerly State Road 17, thence run in a Southwesterly direction along the Southerly boundary of the said State Road 600, 117 feet more or less to the center of the Youmans-Springhead road; thence run South to the Point of Beginning, all of the above described property being in the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 28 South, Range 22 East of the Public Records of Hillsborough County, Florida. LESS right-of-way for Youmans Springhead Road..

FOLIO # 090503-0000.

Commonly referred to as 3801 E 92 HWY, PLANT CITY, FL.

9. 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 JUL 11 2018, 20\_\_\_\_, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

10. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

11. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

12. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

13. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009

Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

14. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

15. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION

ATTORNEY, YOU MAY CONTACT BAY AREA LEGAL SERVICES, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

16. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

17. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment, to enter a deficiency judgment, and orders compelling the judgment debtor(s) to complete form 1.977 and all required attachments, and serve it on the judgment creditor's attorney.

**DONE AND ORDERED** in Hillsborough County, Florida, on this \_\_\_\_ day of May, 2018.

ORIGINAL SIGNED

Honorable Gregory P. Holder

**MAY 30 2018**

**GREGORY P. HOLDER**  
CIRCUIT JUDGE

Cc: Matthew Weidner, Esq.  
*Attorney for Plaintiff*

THOMAS J. WARD  
REG. NO. 60906-018  
COLEMAN FEDERAL CORRECTIONAL FACILITY  
POST OFFICE BOX 1031  
COLEMAN, FL 33521

CITIFINANCIAL SERVICES, INC.  
C/O ROSANNE HERRON, HR ASSISTANT  
3800 QUEEN PALM DRIVE  
TAMPA, FL 33610

BRIAN KEITH MITCHELL  
TOMOKA CORRECTIONAL INSTITUTION  
3950 TIGER BAY ROAD  
DAYTONA BEACH, FLORIDA 32124-1098

DONNA M. WARD  
3729 WILLOW WISP DRIVE NORTH  
LAKELAND, FL 62221

P

JUN - 6 2018

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,

CASE NO.: 18-CA-2794

v.

CHIC EVANS ROGERS; MELINDA ROGERS; INDEPENDENCE  
RECEIVABLES CORPORATION; ASSOCIATES HOME  
EQUITY LOAN CORPORATION; HOUSEHOLD FINANCE  
CORPORATION,  
Defendants.

FINAL JUDGMENT

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits or evidence which would create a genuine issue of material fact which would preclude summary judgment. Summary Judgment is undisputed as a matter of law.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Official Records Book 20692, Page 1539, OR Book 21056, Page 14, and OR Book 21460, Page 385.
4. The liens of Defendants Independence Receivables at 18920 Page 1738, Associates Home Equity at 9764 Page 1100 and Household Finance III at 11551 Page 691 are foreclosed based on the defaults entered against Defendants and the authority of Chapter 81-388, Section 10 Laws of Florida.
5. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$1,035,462.00, as set forth below. 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 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 additional fee at least 24 hours prior to the judicial 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.

6. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$55,302.60
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$461.00
Service of process costs	\$875.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Real Foreclose Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	\$57,302.60
Attorney's fees	\$2,500.00
<b>TOTAL SUM</b>	\$59,802.60

7. The total sum in paragraph 6 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

8. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 6 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

Lot 255, Lot 256 and the South 14.00 feet of Lot 257, Block L, Pinecrest Villa Addition No. 2, Premier West Coast Subdivision, a subdivision according to the plat thereof recorded in Plat Book 14, Page 36, of the Public Records of Hillsborough County, Florida.

FOLIO #026653-0000

Commonly referred to as 7807 N Church Ave Tampa

9. If the total sum with interest at the rate described in Paragraph 6 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 JUL 11 2018, 20\_\_\_\_, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

10. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

11. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

12. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

13. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

14. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate

of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

15. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

16. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will

effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

17. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment, to enter a deficiency judgment, and orders compelling the judgment debtor(s) to complete form 1.977 and all required attachments, and serve it on the judgment creditor's attorney.

**DONE AND ORDERED** in Hillsborough County, Florida, on this \_\_\_\_ day of May, 2018.

\_\_\_\_\_  
Honorable Gregory P. Holder

**ORIGINAL SIGNED**

**MAY 31 2018**

GREGORY P. HOLDER  
CIRCUIT JUDGE

Cc: Matthew Weidner, Esq.  
*Attorney for Plaintiff*

**CHIC EVANS ROGERS  
401 VANN DRIVE  
CLINTON, NC 28328**

**MELINDA ROGERS  
302 BLOUNT STREET  
CLINTON, NC 28328**

**INDEPENDENCE RECEIVABLES CORPORATION  
C/O W&A LAW PARTNERS, LLC, REGISTERED AGENT  
9841 WASHINGTON BOULEVARD  
SUITE 410  
GAITHERSBURG, MD 20878**

**HOUSEHOLD FINANCE CORPORATION  
C/O CT CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324**

**ASSOCIATES HOME EQUITY LOAN CORPORTATION,  
C/O CT CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND RD,  
PLANTATION, FL 33324**

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,**

**CASE NO.: 18-CA-2587**

**v.**

**TIMOTHY O'HARA and MARY PAT O'HARA,  
Defendants.**

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits, papers, or pleadings which would create a genuine issue of material fact which would preclude summary judgment.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 11352, Page 1156; OR Book 12596, Page 1097; and OR Book 19712, Page 578.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$677,663.88, as set forth below. 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 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 additional fee at least 24 hours prior to the

judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$673,604.88
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$430.00
Service of process costs	\$535.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$675,163.88</b>
Attorney's fees	\$2,500.00
<b>TOTAL SUM</b>	<b>\$677,663.88</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

Lots 6, 7, 8, 9 and 10, Block 3, PLAT OF INGLEWOOD PARK ADDITION NO. 3, a subdivision according to the plat thereof recorded at Plat Book 21, Page 42, in the Public Records of Hillsborough County, Florida.

FOLIO # 021946-0000.

Commonly referred to as 309 E 130TH AVE., TAMPA, FL.

8. 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 July 12,

20 16, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

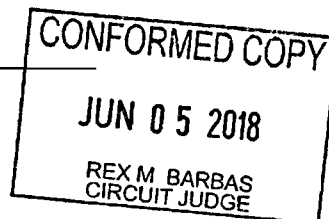
15. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment. Plaintiff has agreed to waive any deficiency judgment.

**DONE AND ORDERED** in Hillsborough County, Florida, on this 5th day of June, 2018.

\_\_\_\_\_  
Honorable Rex M. Barbas



Cc: Matthew Weidner, Esq.  
250 Mirror Lake Dr. N.  
St. Petersburg, FL 33701  
*Attorney for Plaintiff*

TIMOTHY O'HARA  
343 TERRACE ROAD  
TARPON SPRINGS, FL 34689

MARY PAT O'HARA  
111 BROOKVIEW LANE  
BARDSTOWN, KY 40004

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,**

**CASE NO.: 18-CA-2005**

**v.**

**JAMES BRANT NICHOLS; and  
NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-4, A DELAWARE  
STATUTORY TRUST(S),  
Defendants.**

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits, papers, or pleadings which would create a genuine issue of material fact which would preclude summary judgment.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 20496, Page 749, and OR 20755, Page 683.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$27,434.41, as set forth below. 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 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 additional fee at least 24 hours prior to the judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$23,465.41
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$430.00
Service of process costs	\$445.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$24,934.41</b>
Attorney's fees	\$1,500.00
<b>TOTAL SUM</b>	<b>\$26,434.41</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

Lot 22, EAST LAKE PARK UNIT ONE, a subdivision according to the plat thereof recorded at Plat Book 33, Page 43, in the Public Records of Hillsborough County, Florida.

FOLIO # 041218-0000.

Commonly referred to as 6220 TRAVIS BLVD., TAMPA, FL 33610.

8. 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 \_\_\_\_\_, 20\_\_\_\_, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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, 829 W. DR. MARTIN LUTHER KING BOULEVARD, 2ND FLOOR, TAMPA, FLORIDA, 33603-3336, TELEPHONE NUMBER, 813-232-1343, 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 THE HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

15. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment. Plaintiff has agreed to waive any deficiency judgment.

**DONE AND ORDERED** in Hillsborough County, Florida, on this \_\_\_\_ day of \_\_\_\_\_, 2018.

---

Honorable Elizabeth G. Rice

Cc: Matthew Weidner, Esq.  
250 Mirror Lake Dr. N.  
St. Petersburg, FL 33701  
*Attorney for Plaintiff*

Perry G. Grubman, Esq.  
3400 W. Kennedy Blvd.  
Tampa, FL 33609  
Perry@grumanlaw.com  
*Attorney for Defendant James Bryant Nichols*

NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-4, A DELAWARE  
STATUTORY TRUST(S)  
7765 SW 87<sup>th</sup> Ave., St. 101  
Miami, FL 33175

/

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,**

**CASE NO.: 18-CA-1964**

**v.**

**HERIBERTO CANTU;  
ELVIRA CANTU;  
AGRO DISTRIBUTION, LLC D/B/A PROSOURCE ONE;  
DIAMOND R. FERTILIZER CO., INC.;  
THE UNITED STATES OF AMERICA; and  
THE FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF  
AGRICULTURE,  
Defendants.**

\_\_\_\_\_ /

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits or evidence which would create a genuine issue of material fact which would preclude summary judgment. Summary Judgment is undisputed as a matter of law.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 16211, Page 801; Book 18851, Page 163; and OR Book 18870, Page 1802.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$1,035,462.00, as set forth below. 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 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 additional fee at least 24 hours prior to the judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$7,018.55
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$489.00
Service of process costs	\$825.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Real Foreclose Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$8,996.55</b>
Attorney's fees	\$2,500.00
<b>TOTAL SUM</b>	<b>\$11,496.55</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

The South 45 feet of the West 210 feet of the Northwest 1/4 of the Northeast 1/4 in Section 34, Township 28 South, Range 21 East, LESS the West 25 feet thereof for road,

AND

The East 50 feet of the North 85 feet of the South 130 feet of the West 210 feet of the Northwest 1/4 of the Northeast 1/4 of Section 34, Township 28 South, Range 21 East, all lying and being in Hillsborough County, Florida.

FOLIO # 083583-0200.

Commonly referred to as 3757 Tanner Road, Dover, FL.

8. 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 July 26, 2018, 20\_\_\_\_, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate

of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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.

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15. Only the judgment owner will be allowed to credit bid. An assignment of the final judgment of foreclosure filed with the Clerk of the Circuit Court prior to the public sale will

effectively transfer with it the right to credit bid at the sale. Court approval of the assignment of the final judgment is not required.

The filing of a Certificate of Sale by the Clerk gives certain property rights to the highest bidder. In order to assign those rights and have the Certificate of Title issued to a third party, the highest bidder must file a written conveyance made in accordance with § 689.01 or § 692.01, Fla. Stat., governing real estate transfers. Such conveyance must be filed with the Clerk prior to the issuance of the Certificate of Title. Neither the Court nor the Clerk will change a Certificate of Title based upon a conveyance filed after the Certificate of Title has been issued

16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment, to enter a deficiency judgment, and orders compelling the judgment debtor(s) to complete form 1.977 and all required attachments, and serve it on the judgment creditor's attorney.

**DONE AND ORDERED** in Hillsborough County, Florida, on this \_\_\_\_ day of June, 2018.

\_\_\_\_\_  
Honorable Paul L. Huey

ORIGINAL SIGNED  
CONFORMED COPY

JUN 18 2018

PAUL L. HUEY  
CIRCUIT JUDGE

Cc: Matthew Weidner, Esq.  
*Attorney for Plaintiff*

**AGRO DISTRIBUTION, LLC D/B/A PROSOURCE ONE  
C/O CT CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324**

**DIAMOND R. FERTILIZER CO., INC.  
C/O REGISTERED AGENT MICHAEL HUDSON  
4100 GLADES CUT-OFF ROAD  
FORT PIERCE, FL 34981**

**THE FARM SERVICE AGENCY, UNITED STATES DEPARTMENT OF  
AGRICULTURE  
C/O BRONWYN BETHEA-ROWLAND, FARM LOAN MANAGER  
201 SOUTH COLLINS STREET  
PLANT CITY, FL 33563**

**ELVIRA CANTU  
5206 WARD ROAD  
PLANT CITY, FL 33566**

**HERIBERTO CANTU  
5206 WARD ROAD  
PLANT CITY, FL 33566**

**THE UNITED STATES OF AMERICA  
C/O UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF FLORIDA  
US ATTORNEY'S OFFICE  
400 NORTH TAMPA STREET  
SUITE 3200  
TAMPA, FL 33602**

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION**

**HILLSBOROUGH COUNTY, a political subdivision  
of the State of Florida,  
Plaintiff,**

**CASE NO.: 18-CA-675**

**v.**

**WELLS FARGO OBO TLST 2010-1 R1,  
Defendant.**

**FINAL JUDGMENT**

**THIS ACTION** was heard before the Court on Plaintiff's Motion for Summary Judgment. After consideration of all evidence presented,

**IT IS ADJUDGED** that:

1. Defendants were properly served.
2. Defendants failed to file any affidavits, papers, or pleadings which would create a genuine issue of material fact which would preclude summary judgment.
3. Plaintiff's Motion for Summary Judgment is therefore **GRANTED**. Plaintiff is entitled to foreclose the code enforcement liens recorded in the Official Records of Hillsborough County, Florida at Book 20802, Page 1743.
4. **VALUE OF CLAIM:** At the initiation of this 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 between \$0.00 and \$50,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$27,434.41, as set forth below. 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 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 additional fee at least 24 hours prior to the

judicial 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.

5. The following amounts are due and owed to the Plaintiff for unpaid special assessment liens:

Total amount due on the lien imposed against the property:	\$10,032.89
Title search expenses	\$250.00
Court costs:	
Filing fee and associated costs	\$420.00
Service of process costs	\$150.00
Publication for Notice of Sale	\$155.00
Sale Fee	\$70.00
Real Foreclose Fee	\$70.00
Clerks auction fee	\$119.00
<b>SUBTOTAL</b>	<b>\$11,266.89</b>
Attorney's fees	\$1,500.00
<b>TOTAL SUM</b>	<b>\$12,766.89</b>

6. The total sum in paragraph 5 shall bear interest from this date forward at the prevailing statutory interest rate of 5.72% from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust annually in accordance with section 55.03(3), Florida Statutes.

7. Plaintiff, whose address is **c/o Weidner Law, P.A., 250 Mirror Lake Dr. N., St. Petersburg, FL 33701**, holds a lien for the total sum specified in paragraph 5 herein. The lien of the Plaintiff is superior in dignity to all rights, titles, interests, or claims of the Defendant(s) and all persons, corporations, or other entities claiming by, through, or under the Defendant(s), or any of them and the property will be sold free and clear of all claims of the Defendant(s), with the exception of any assessments that are superior pursuant to sections 718.116 and 720.3085. The Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

Lots 9 and 10, Block 13, MANHATTAN PARK, a subdivision according to the plat thereof recorded at Plat Book 22, Page 1, in the Public Records of Hillsborough County, Florida.

FOLIO # 003054-0000.

Commonly referred to as 7320 EDGEMERE RD., TAMPA, FL.

8. 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 JUL 26 2018, 2018, at 10:00 A.M. after having first given notice as required by Section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, 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 Circuit Court at least 24 hours prior to the scheduled sale date.

9. Plaintiff shall advance all subsequent required costs of this action. Except for publishing costs supported by an affidavit, reimbursement or credit for such costs shall be by court order based upon a written motion and adjudication at a hearing with notice. 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.

10. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 8, Plaintiff may, by written motion served on all parties and adjudication at a hearing with notice, seek to amend this final judgment to include said additional expenses.

11. On the filing of 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, unless the property is purchased by a third party bidder; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 6 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

12. On 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 provided in the Protecting Tenants at Foreclosure Act of 2009 Pub. L. No. 111-22, 123 Stat. 1660, or as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. On filing of the Certificate of Sale, Defendant's right of redemption as provided by section 45.0315, Florida Statutes shall be terminated.

13. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 7.14 hours were reasonably expended by Plaintiff's counsel and that the hourly rate of \$350.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation v. Rowe*, 427 So. 2d 1145 (Fla. 1985).

14. IMPORTANT INFORMATION PROVIDED pursuant to section 45.031, Florida Statutes:

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.

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16. 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 attorney's fees, a supplemental complaint to add an omitted party or remedy other defects post-judgment. Plaintiff has agreed to waive any deficiency judgment.

**DONE AND ORDERED** in Hillsborough County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Honorable E. Lamar Battles

**ORIGINAL SIGNED**  
**JUN 20 2018**  
EMMETT L. BATTLES  
CIRCUIT JUDGE

**Copies:**

MATTHEW WEIDNER

WELLS FARGO OBO TLST 2010-1 R1  
C/O CORPORATION SERVICE COMPANY  
1201 HAYES STREET  
TALLAHASSEE, FL 32301