

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR CITRUS COUNTY, FLORIDA

CARRINGTON MORTGAGE SERVICES, LLC,

Plaintiff,

vs.

CASE NO.: 2016-CA-000189

MILTON B. PAYNE, JR, et al.,

Defendants.

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**FINAL JUDGMENT OF FORECLOSURE**

**THIS MATTER** was heard before the Court on Plaintiff's Motion for Final Judgment of Foreclosure. After consideration of all evidence presented, the Court finds that there is no material issue of fact or law, and therefore this Court rules as follows:

**IT IS ADJUDGED that:**

1. Final Judgment is hereby granted in favor of Plaintiff, CARRINGTON MORTGAGE SERVICES, LLC against Defendants MILTON B. PAYNE, JR.; UNKNOWN SPOUSE OF MILTON B. PAYNE, JR.; and SPRING RUN PROPERTY OWNERS' ASSOCIATION, INC.

2. **VALUE OF CLAIM:** At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes, Plaintiff estimated the amount in controversy of the claim to be greater than \$50,000.00 and less than \$250,000.00. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$93,753.60 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

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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.

3. The following amounts are due and owed to the Plaintiff:

Principal due on the note secured by the mortgage foreclosed:	\$ 82,379.57
Interest on the note and mortgage –	\$ 4,715.35
Escrow Balance:	\$ 375.67
Corporate Advances:	\$ 160.00
Expense Advances:	\$ 1,429.00
Attorney's Fees:	\$ <del>3,090.00</del>
Costs:	\$ 1,604.01
<b>TOTAL SUM</b>	<b>\$ <del>93,753.60</del></b>

*cat*  
*\*2471.00\**  
*493,134.00*

4. The total sum in paragraph 3 will bear interest at the prevailing statutory interest rate of

4.84 percent per year from this date through December 31 of this current year. Hereafter, on January 1 of each succeeding year until the judgment is paid, the interest rate will adjust in accordance with section 55.03, Florida Statutes.

*Stat.*  
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5. Plaintiff, whose address is 1600 South Douglass Road, Suite 200-A Anaheim, CA 92806, holds a lien for the total sum specified in paragraph 3 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, Florida Statutes.

The Plaintiff lien encumbers the subject property located in Citrus County, Florida, and described as:

LOT 22 OF SPRING RUN, AN UNRECORDED SUBDIVISION FURTHER DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF THE NE 1/4 OF SECTION 5, TOWNSHIP 18 SOUTH, RANGE 17 EAST, THENCE N 88 DEGREES 58' 11" E ALONG THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 2661.44 FEET TO THE CORNER OF SAID SECTION 5, THENCE S 1 DEGREE 01' 53" E ALONG THE EAST LINE OF SAID NE 1/4 A DISTANCE OF 557.06 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE S 1 DEGREE 01' 53" E ALONG SAID EAST LINE A DISTANCE OF 165.52 FEET, THENCE S 88 DEGREES 33' 44"

W 155 FEET, THENCE N 1 DEGREE 01' 53" W PARALLEL TO SAID EAST LINE A DISTANCE OF 165.52 FEET, THENCE N 88 DEGREES 33' 44" E 155 FEET TO THE POINT OF BEGINNING. SUBJECT TO A 25 FOOT WIDE EASEMENT ALONG THE SOUTH BOUNDARY THEREOF FOR ROAD RIGHT-OF-WAY. ALL LYING AND BEING SITUATE IN CITRUS COUNTY, FLORIDA.

Property Address: 10015 W. Montyce Ct., Crystal River, FL 34428

6. 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 Circuit Court shall sell the subject property at public sale public sale on September 22, 2016, to the highest bidder for cash, except as prescribed below, after having first given notice as required by Section 45.031, Florida Statutes, using the following method:

**Online, beginning at 10:00 AM EST at [www.citrus.realforeclose.com](http://www.citrus.realforeclose.com)**

after having first given notice as required by section 45.031, Florida Statutes. Plaintiff must arrange for publication of notice of sale in accordance with chapters 45 and 702, Florida Statutes. The Plaintiff must file the original Notice of Sale and Affidavit of Proof of Publication with the Clerk no later than 24 hours prior to the sale.

Plaintiff or Plaintiff's attorney may also cancel or reschedule the sale by filing a motion with the Court in accordance with Florida Rules of Civil Procedure, Form 1.996(b) and may seek to reschedule the sale to a later date.

7. 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.

8. If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 6, 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.

9. 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 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

10. 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 §83.561, *Fla. Stat.*, 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.

11. 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 LIEN HOLDER 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 CITRUS COUNTY CLERK OF CIRCUIT COURT AT (352) 341-6424, OR THE 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.

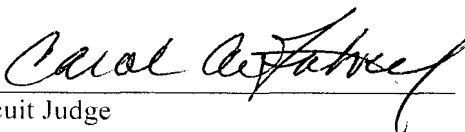
IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING 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 A LEGAL SERVICES OFFICE, SUCH AS: CITRUS COUNTY PUBLIC DEFENDERS' OFFICE AT (352) 341-6777 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 ANOTHER OPTION. IF YOU CHOOSE TO CONTACT ONE OF THESE SERVICES FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. The Plaintiff may assign the judgment and credit bid by the filing of an assignment without further Order of the Court.

13. The Court retains jurisdiction of this action to enter further Orders that are proper, specifically, but without limitation, the following: orders authorizing writs of possession; an award of attorney's fees; deficiency judgment (if underlying debt has not been discharged in bankruptcy); motions for leave to file a supplemental complaint to re-foreclose against omitted lienors post judgment; and to adjudicate a post-judgment motion for assessments under Fla. Stat. §720.3085.

**DONE AND ORDERED** in Citrus County, Florida, on this 25th day of August, 2016.

  
Circuit Judge

*Copies furnished to:*

**Ted H. McCaskill, Esq.**  
STOREY LAW GROUP, P.A.  
3670 Maguire Blvd., Suite 200  
Orlando, FL 32803

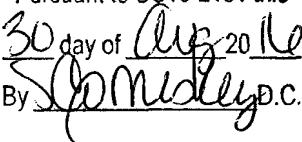
**Milton B. Payne, Jr.**  
10015 W. Montyce Ct.  
Crystal River, FL 34428

**Unknown Spouse of Milton B. Payne, Jr.**  
10015 W. Montyce Ct.  
Crystal River, FL 34428

**Spring Run Property Owners' Association, Inc.**  
c/o Paul Dion, RA, 10127 W. Pamondeho Cir.  
Crystal River, FL 34428

Furnished by U.S. or

Electronic Mail

Pursuant to SC10-2101 this  
30 day of Aug 2016  
By  S. Comiskey D.C.