

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY IN ITS
CAPACITY AS OWNER TRUSTEE OF
MATAWIN VENTURES TRUST SERIES 2016-2,
Plaintiff,

CIRCUIT CIVIL DIVISION

CASE NO.: 2017 CA 000858 A

v.

RANDY W. SPINKS, *et al.*,
Defendants.

**FINAL JUDGMENT OF MORTGAGE FORECLOSURE AND
REFORMATION OF MORTGAGE**

THIS ACTION having been tried before this Honorable Court on April 12, 2018, and the Court, having reviewed the pleadings, the case law, having heard argument of counsel and being otherwise fully advised on the premises, it is hereby ORDERED and ADJUDGED that:

1. Final Judgment of Foreclosure is GRANTED in favor of Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS OWNER TRUSTEE OF MATAWIN VENTURES TRUST SERIES 2016-2 ("Plaintiff") and against the Defendants listed by name: RANDY W. SPINKS, LEISA J. SPINKS and DIANE SUSAN SPINKS.

2. **Amounts Due and Owning.** Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS OWNER TRUSTEE OF MATAWIN VENTURES TRUST SERIES 2016-2, whose address is c/o KONDAUR CAPITAL CORPORATION, 333 South Anita Drive, Suite 400, Orange, CA 92868, is now due:

(a)	Unpaid Principal Balance on Note and Mortgage	\$163,204.81
(b)	Accrued Interest at 5.500% from 2/1/2013 through 2/28/218 (per diem:\$24.59)	\$45,569.79
(c)	Accrued Interest at 5.500% from 3/1/2018 through 4/12/218 (per diem:\$24.59)	\$1,057.37
(d)	Escrow Advances	\$10,916.84
(e)	Corporate Advances	\$12,011.37
(f)	Late Charges	\$2,146.00
(g)	Attorney's Costs	\$1,432.35
(h)	Attorney's Fees	\$2,021.00
	GRAND TOTAL DUE	\$238,359.53

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3. **Interest.** The Grand Total Due in Paragraph 2 shall bear interest from this date forward at the prevailing statutory interest rate, in accordance with Section 55.03, Florida Statutes.

4. **Attorney's Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that 9.40 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$215.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).

5. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of Defendant(s). The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the Defendant and all persons corporations any other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and/or 720.3085. The Plaintiff's lien encumbers the following described real property located in Citrus County, Florida:

LOT 21 OF GREEN ACRES UNIT 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE(S) 60 THROUGH 63, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

INCLUDES MANUFACTURED HOUSING UNIT(S) DESCRIBED AS FOLLOWS:

MAKE: SCOTBILT
MODEL: HERITAGE 327213-HER
WIDTH & LENGTH: 29.8 x 72
SERIAL #: SBHGA1470703092AB
YEAR: 2008

including the buildings, appurtenances, and fixtures located thereon.

Property Address: 4655 West Field Street, Homosassa, FL 34446
(the "Subject Property").

6. **Sale of property.** If the Grand Total Due with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the Subject Property at public sale on the ____ day of 5/17/2018, 2018, with the first sale commencing at 10:00 a.m. on the specified date, (except legal holidays), in Citrus County, Florida, in accordance with Section 45.031, Florida Statutes, to the highest bidder for cash, except as prescribed herein, at WWW.CITRUS.REALFORECLOSE.COM.

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7. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the Subject Property for sale. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the Grand Total Due with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes. 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.

If the Plaintiff incurs additional expenses subsequent to the entry of this Final Judgment but prior to the sale date specified herein, Plaintiff may, by written motion served on all parties, seek to amend this Final Judgment to include said additional expenses.

8. **Distribution of Proceeds.** On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of 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 plaintiff, less the items paid, plus interest at the rate prescribed above from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

9. **Right of Redemption.** On filing the Certificate of Sale, the Defendant(s) right of Redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

10. **Right of Possession.** Upon the filing of the Certificate of Sale, Defendants and all persons claiming by, through, under or against any of the Defendants since the date of the filing of the Notice of Lis Pendens shall be forever barred and foreclosed of all estate or claim in the Subject Property, except as to claims or rights under Chapter 718 or Chapter 720 of the Florida Statutes, if any. Upon the filing of the Certificate of Title, the person named in the Certificate of Title shall be let into possession of the Subject Property.

11. **Jurisdiction Retained.** The Court specifically reserves jurisdiction to enter further orders the Court deems just and proper to include, without limitation, the following: (1) orders related to pursuit and entry of deficiency judgment, if Defendants, RANDY W. SPINKS, LEISA J. SPINKS and DIANE SUSAN SPINKS, have not been discharged in bankruptcy, or it is not prohibited by federal law or mutual settlement agreement; (2) orders granting additional attorney's fees and costs; (3) writs of possession; (4) orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to Sections 718.116 or 720.3085 of the Florida Statutes; (5) orders arising out of re-foreclosure, to include permitting a supplemental complaint to add an interest-holder; and/or (6) orders involving reformation of the mortgage instrument or deed to perfect title.

12. PURSUANT TO FLORIDA STATUTES, SECTION 45.031:

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 THE FINAL JUDGMENT. IF YOU ARE A SUBORDINATE LIEN HOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM

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WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, 110 NORTH APOPKA AVENUE, INVERNESS, FLORIDA 34450, WITHIN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT WITHLACOOCHEE AREA LEGAL SERVICES, INC., 611 US HIGHWAY 41 SOUTH, INVERNESS, FL 34450, WHOSE TELEPHONE NUMBER IS (352) 726-8512, 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 WITHLACOOCHEE AREA LEGAL SERVICES, INC., 611 US HIGHWAY 41 SOUTH, INVERNESS, FL 34450, WHOSE TELEPHONE NUMBER IS: (352) 726-8512, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

13. Service of process has been duly and regularly obtained over Defendants, RANDY W. SPINKS, LEISA J. SPINKS and DIANE SUSAN SPINKS. Proof of such service is in the Court file.

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

15. Count II of Plaintiff's Complaint – Reformation of Mortgage is hereby GRANTED. The legal description contained in the subject Mortgage is hereby reformed to include the legal description as set forth in Paragraph 5 above.

DONE and ORDERED in Chambers in Citrus County, Florida this ___ day of

_____, 2018.



04/12/2018

CIRCUIT COURT JUDGE

Copies furnished to all parties on attached service list

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If you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled, at no cost to you, the provision of certain assistance. Please contact the ADA Coordinator for the Citrus County, John Sullivan (352) 341-6700 at least 7 days before your scheduled court appearance, or immediately upon receiving your notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic or U.S. Mail on 04/18/2018.

By *Cheryl A. Bailey*