

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

ROBERT MOBLEY AND DAWN MOBLEY, HUSBAND  
AND WIFE,

Plaintiff,

CASE NO.: 2022 CA 000413

Div/Section: A

vs.

PATRICK LOUGHRAN,  
Defendant(s).

**DEFAULT FINAL JUDGMENT OF FORECLOSURE**

Plaintiffs, ROBERT MOBLEY AND DAWN MOBLEY, HUSBAND AND WIFE, Complaint to Foreclosure mortgage came to be heard after a default having been entered against, PATRICK LOUGHRAN, and the court has reviewed the affidavit of amounts due.

**IT IS ADJUDGED** that:

1. **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 \$104,094.52. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the Court identifies the actual value of the claim to be \$106,259.32, 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.

SEP- 1 '22 10:52AM

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

Principal due on the note secured by the mortgage foreclosed:	\$104,094.52
Interest of 4% on the note and mortgage from June 1 2022 to August 19, 2022, with a per diem of \$11.41	\$912.80
Title search expenses	\$250.00
Court costs:	
Filing fee/Summons	\$952.00
Service of process \$50.00 per defendant	\$50.00
Publication for	\$
TOTAL SUM	\$106,259.32

3. The total sum in paragraph 3 will bear interest at the prevailing statutory interest rate of 4.34% per year 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.

4. Plaintiff, whose address is 3775 E Jerome Street, Inverness, FL 34453, 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 9, BLOCK 37, BEVERLY HILLS UNIT 3-A, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 1, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.**

**Property Address: 9 W. GOLDEN STREET, BEVERLY HILLS, FL 34465**

5. 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 on OCT 06 2022 to the highest bidder for cash, ~~except as prescribed in Paragraph 7~~, in the following location. In an online sale at www.citrus.realforeclose.com, bidding begins at 10:00 a.m. Eastern Standard Time on the prescribed date.

~~After having first given notice as required by section 45.031, Florida Statutes.~~ The 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.

The sale date set by the judgment can only be canceled and rescheduled by court order. Any motion or request to cancel this sale must be served on all parties in conformity with Florida Rule of Civil Procedure 1.080(a) and must be set for hearing with proper notice. Claiming this

matter is an "emergency" does not avoid this requirement. A violation of any party's due process rights will subject the movant and/or counsel to sanctions. *See Jade Winds v. Citibank*, 63 So.3d 819 (3d DCA 2011). If a Plaintiff wishes to cancel a sale, a written motion must be filed with the Court in substantial compliance with Florida Rules of Civil Procedure Form 1.996(c). The motion also must state the number of times the Plaintiff has previously requested the cancelation of a sale and must include an affidavit with supporting grounds for the motion. Any proposed order prepared to cancel the sale must also include a date to reschedule the sale.

6. Plaintiff shall advance all subsequent required costs of this action. Except for the fee to the Clerk as provided in section 45.035, Florida Statutes, and 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.

7. 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.

8. 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 section 689.0, 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.

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 the 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 the 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 the property has qualified for the homestead tax exemption in the most recent approved tax roll, also include the following two paragraphs:

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 110 N. APOPKA AVENUE, INVERNESS, FL 34450 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 CAN NOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT A LEGAL SERVICES OFFICE, SUCH AS YOU MAY CONTACT COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC., (352) 796-7238 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CAN NOT 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. Upon issuance of the Certificate of Title, the new owner/titleholder shall be let into possession of the property. Because of the provisions of section 83.561, Florida Statutes, the Clerk shall decline the issuance of a Writ of Possession without a Court order. By using the procedures and forms found in Administrative Order C-2012-10-C the new owner/titleholder may obtain such an order.

13. If the tenant fails to vacate the premises in accordance with the Notice of Termination, the titleholder may apply to the Court for a writ of possession by filing and serving an application in the form of a sworn affidavit pursuant to section 83.561(2), Florida Statutes.

14. Alternatively, if the titleholder takes title to a residential property occupied by a tenant meeting an exception in section 83.561(3), Florida Statutes, the titleholder may immediately apply to the Court for a writ of possession by filing and serving a sworn affidavit demonstrating the tenant meets one of the exceptions listed in the statute.

15. Upon review of an application for writ of possession under section 83.561(2) or section 83.561(3), Florida Statutes, the Court may enter an order directing the Clerk to issue a writ of possession pursuant to section 83.62, Florida Statutes.

16. The Court retains jurisdiction of this action to enter further Orders that are proper, including without limitation, Orders authorizing writs of possession and an award of attorney's fees, and to enter a deficiency judgment if the Defendant has not been discharged in bankruptcy.

17. The Mortgage Note is hereby re-established pursuant to section 673.3091, Florida Statutes.

DONE AND ORDERED in, Citrus County, this 31<sup>st</sup> day of Aug.,  
2022.

Carol A. Falvey  
The Honorable Carol A. Falvey  
Circuit Civil Judge

Copies furnished to:  
Roland D. Waller, Esq.  
Patrick Loughran

"If you are a person with a disability who needs any accommodation In order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Office of the Trial Court Administrator, Citrus County Courthouse, 110 N. Apopka Avenue, Inverness, Fl 34450, (352) 641-6700, at least seven (7) days before your scheduled court appearance, or Immediately upon receiving this notification if the time before the scheduled appearance is less than seven days, if you are hearing or voice impaired, call 711."

RDW #41328.01

Furnished by U.S. or Electronic Mail  
181 pursuant to SC10-2101 this 31<sup>st</sup> day of Sept 2022  
Citrus County Clerk of Court  
By [Signature]  
Deputy Clerk