

Filing # 226986197 E-Filed 07/10/2025 01:29:14 PM

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

Truist Bank,

GENERAL JURISDICTION DIVISION

Plaintiff,

Case No. 2024 CA 000594 A

vs.

John J. Kelley V; Citrus County, Florida,

Defendants.

**FINAL JUDGMENT**

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Judgment on July 10, 2025. There is no dispute of material facts and plaintiff's motion for summary judgment is granted. On the evidence presented, the Court finds Plaintiff proved its *prima facie* case for foreclosure: (1) execution of a note and mortgage; (2) breach of the note and mortgage; (3) acceleration; and (4) damages. Plaintiff had standing to foreclose pursuant to § 673.3011, Florida Statutes. Further, the Court finds Plaintiff proved its *prima facie* case for reformation of mortgage and reformation of personal representative's release and certificate of distribution of real property. The Court further finds Defendants have not proven any avoidances to the entry of final summary judgment of foreclosure. On the evidence presented;

IT IS ADJUDGED that:

1. Plaintiff, Truist Bank, 1001 Semmes Avenue, Richmond, Virginia 23224, is due:

Principal		\$86,381.98
Interest to date of this judgment		\$7,083.91
Accumulated Late Charges		\$144.62
Title Search Expense		\$400.00
Escrow		\$8,844.37
Attorneys' fees		
Flat Fees:*	\$4,050.00	
Hourly Fees:	\$6,645.50	
Other:	\$330.00	
Attorneys' fees total		\$11,025.50
Court costs, now taxed:		
Complaint Filing		\$949.00
Service of Process		\$353.60
Expert Affidavit		\$40.00
Other:		
Property Inspection/Preservation		\$105.00
<b>TOTAL</b>		<b>\$115,327.98</b>

\* The requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of the fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.

2. The grand total amount referenced in Paragraph 1 shall bear interest from this date forward at the prevailing legal rate of interest in accordance with Section 55.03, Florida Statutes.

3. Plaintiff holds a lien for the total sum superior to all claims or estates of defendants, on the following described property in Citrus County, Florida:

LOT 6 OF LOT 121, LEISURE ACRES, UNIT NO. 4A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59 AND 60, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NE CORNER OF LOT 121, LEISURE ACRES, UNIT NO. 4A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59 AND 60, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, THENCE S 0°06'58" E ALONG THE EAST LINE OF SAID LOT 121, A DISTANCE OF 333.06 FEET TO THE SE CORNER OF SAID LOT 121, THENCE S 89°36'16" W ALONG THE SOUTH LINE OF SAID LOT 121, A DISTANCE OF 384.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°36'16" W ALONG THE SOUTH LINE A DISTANCE OF 128.25 FEET; THENCE N 0°06'58" W 185.28 FEET; THENCE N 89°38'34" E 128.25 FEET; THENCE S 0°06'58" E 185.20 FEET TO THE POINT OF BEGINNING. SUBJECT TO A 10 FOOT WIDE ROAD EASEMENT ALONG THE NORTH BOUNDARY THEREOF FOR ROAD RIGHT OF WAY.

TAX ID: 1949998

Property Address: 4714 W Bobby Court  
Lecanto, FL 34461

4. If the total sum with interest at the rate described in paragraph 1 and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on **August 28, 2025**, to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 110 N. Apopka Avenue, Room 100 in Citrus County in Inverness, Florida, in accordance with section 45.031, Florida Statutes, using the following method (CHECK ONE) :

- At \_\_\_\_\_, beginning at \_\_\_\_\_ on the prescribed date.
- By electronic sale beginning at 10:00 AM on the prescribed date at [www.citrus.realforeclose.com](http://www.citrus.realforeclose.com).

5. Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the clerk if plaintiff is not the purchaser of the property for sale, provided, however,

that the purchaser of the property for sale shall be responsible for the documentary stamps payable on the certificate of title. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

6. 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; third, plaintiff's attorneys' fees; fourth, the total sum due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 1 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this court.

7. On filing 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 and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes (2013) shall be terminated, except as to claims or rights under chapter 718 or chapter 720, Florida Statutes, if any. Upon the filing of the certificate of title, the person named on the certificate of title shall be let into possession of the property.

8. Jurisdiction of this action is retained to enter further orders that are necessary or are proper including, but not limited to re-foreclosure against any subordinate interest omitted from these proceedings, determining the amounts owed to any condominium or homeowners association, issuance of a writ of possession and the entry of a deficiency judgment, when and if such deficiency is sought if the parties liable under the note have not been discharged in bankruptcy (however no deficiency may be sought if the parties liable under the note were subject to an order allowing Plaintiff or its predecessors-in-interest only in rem relief from the bankruptcy automatic stay).

9. The court finds that the legal description contained in the subject Mortgage recorded in Official Records Book 2935, at Page 1160, of the Public Records of Citrus County, Florida, is incorrect. Said Mortgage is hereby reformed to reflect the correct legal description as follows:

LOT 6 OF LOT 121, LEISURE ACRES, UNIT NO. 4A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59 AND 60, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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10. The court finds that the legal description contained in the subject Personal Representative's Release and Certificate of Distribution of Real Property recorded in Official Records Book 1817, at Page 279, of the Public Records of Citrus County, Florida, is incorrect. Said Personal Representative's Release and Certificate of Distribution of Real Property is hereby reformed to reflect the correct legal description as follows:

LOT 6 OF LOT 121, LEISURE ACRES, UNIT NO. 4A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE(S) 59 AND 60, OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**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.**

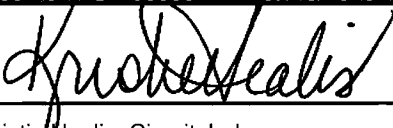
**IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**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 N. APOPKA AVENUE, ROOM 100, 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 COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC, 106 N. OSCEOLA AVE, INVERNESS, FL 34450 AT (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 COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

**DONE and ORDERED** this Thursday, July 10, 2025 in Inverness, Citrus County, Florida.

09-2024-CA-000594-AIN 07/10/2025 12:25:29 PM

Kristie Healis, Circuit Judge 09-2024-CA-000594-AIN 07/10/2025 12:25:29 PM

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of the foregoing has been furnished by e-service on Thursday, July 10, 2025 to:  
GAVIN MACMILLAN  
FLFileTeam@brockandscott.com  
FLCOURTDOCS@brockandscott.com  
ECCM-FL@provana.com

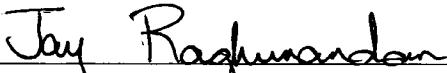
MAXINE MELTZER  
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Jay Raghunandan, Judicial Assistant 09-2024-CA-000594-AIN 07/10/2025 01:27:35 PM

**The party who submitted this proposed order to the Court for approval is required to serve a copy of the signed order via U.S. mail upon any person(s) not registered to receive service via the e-portal and certify said service through a filed notice of service within five (5) days of the entry of order.**