

Filing # 236356156 E-Filed 11/21/2025 03:07:10 PM

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

LLACG COMMUNITY INVESTMENT FUND,  
Plaintiff,

CIRCUIT CIVIL DIVISION

CASE NO.: 2024 CA 000764

v.

UNKNOWN HEIRS, SPOUSES,  
BENEFICIARIES, DEVISEES, GRANTEES,  
ASSIGNEES, LIENORS, CREDITORS,  
TRUSTEES AND ALL OTHERS WHO MAY  
CLAIM AN INTEREST IN THE ESTATE OF  
CARL AUGUST BENSON, JR. A/K/A CARL A.  
BENSON, DECEASED, *et al.*,  
Defendant.

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

**THIS ACTION** was heard before this Honorable Court on November 20, 2025, upon Plaintiff, LLACG COMMUNITY INVESTMENT FUND's ("Plaintiff") Motion for Summary Final Judgment of Mortgage Foreclosure and Reformation of Mortgage (the "Motion"). The Court, having reviewed the Motion, the affidavits filed in support of said Motion, the relevant case law, the pleadings, the Clerk's docket, and all other relevant filings, finding no affidavits filed by the Defendants in opposition to the Motion, and having heard argument of counsel for Plaintiff, hereby finds that there are no genuine issues of material fact that preclude the entry of summary judgment in favor of Plaintiff in this case. The Court further makes the following findings of fact and conclusions of law:

a) CARL A. BENSON, JR. A/K/A CARL AUGUST BENSON, JR. A/K/A CARL A. BENSON (DECEASED) (the "Borrower") executed the Note and Mortgage that are the subject of this action. The Note and Mortgage shall hereinafter be referred to as the "Loan Documents." The original Note was filed by the Plaintiff in support of its Motion and the Court has confirmed receipt of same.

b) Plaintiff is the owner and non-holder in possession of the original Note who has the rights of a holder and, as such, Plaintiff is entitled to enforce the Loan Documents.

c) The Borrower was deceased as of September 11, 2020. With the sole Borrower deceased, the Subject Property, as defined below, is not the principal residence of at least one surviving Borrower.

d) Accordingly, pursuant to the terms of the Loan Documents, the Plaintiff declared the full amount payable under the Loan Documents to be now; same is supported by Plaintiff's business records and its Affidavit of Indebtedness filed in support of the Motion.

e) The Estate of the Borrower was sent a notice of default in compliance with the subject Mortgage; said notice was addressed to Subject Property address and the notice address

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of record, as defined below, and was sent via first class and certified mail. As such, the Court finds that Plaintiff has performed all conditions precedent to acceleration of the Loan Documents and the filing the instant action.

f) The Court further finds that the amounts due and owing to Plaintiff, as outlined in its affidavits filed in support of the Motion, are true and accurate and that Plaintiff is entitled to same.

g) With regard to the count for Reformation of Mortgage, the Court finds that: (i) due to the scrivener's error in the legal description of the Mortgage, the Mortgage does not accurately reflect the true agreement and intent of the parties thereto and should be reformed as to make it conform to their intention; (ii) Plaintiff has no adequate remedy at law to correct the legal description in the Mortgage; (iii) the requested reformation of the Mortgage will not prejudice any party to this action; and (iv) Plaintiff is therefore entitled to the equitable remedy of reformation to reform the legal description in the Mortgage to the legal description set forth in Paragraph 5 below.

h) Service of process has been duly and regularly obtained over Defendants, UNKNOWN HEIRS, SPOUSES, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF CARL AUGUST BENSON, JR. A/K/A CARL A. BENSON, DECEASED, UNKNOWN HEIRS, SPOUSES, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF CURT AUGUST BENSON A/K/A CURT A. BENSON, DECEASED, ROBERT CARL BENSON A/K/A ROBERT C. BENSON A/K/A BOBBY BENSON, SHELBY NICOLE WISE A/K/A SHELBY BENSON, CURT AUGUST BENSON, II, BROOKE MARGUERITE BENSON, INTERNAL REVENUE SERVICE and FLORIDA DEPARTMENT OF REVENUE. Proof of such service is in the Court file.

i) There is no record evidence to support any allegations to the contrary.

### COURT RULING

Based on the Court's findings above, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Motion for Summary Final Judgment of Mortgage Foreclosure and Reformation of Mortgage is hereby **GRANTED** and this Final Judgment is hereby entered in favor of the Plaintiff, LLACG COMMUNITY INVESTMENT FUND, and against the following Defendants listed by name: UNKNOWN HEIRS, SPOUSES, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF CARL AUGUST BENSON, JR. A/K/A CARL A. BENSON, DECEASED; UNKNOWN HEIRS, SPOUSES, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF CURT AUGUST BENSON A/K/A CURT A. BENSON, DECEASED; ROBERT CARL BENSON A/K/A ROBERT C. BENSON A/K/A BOBBY BENSON; SHELBY NICOLE WISE A/K/A SHELBY BENSON; CURT AUGUST BENSON, II; BROOKE MARGUERITE BENSON; INTERNAL REVENUE SERVICE; and FLORIDA DEPARTMENT OF REVENUE.

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2. **Amounts Due and Owing.** Plaintiff, LLACG COMMUNITY INVESTMENT FUND, whose address is c/o Anders Capital Group, 2445 McCabe Way, Suite #130, Irvine, CA 92614, is now due:

Unpaid Principal Balance on Note and Mortgage	\$369,480.67
Accrued Interest at 5.56% from September 11, 2020 through June 30, 2025	\$20,429.03
Accrued Interest at 5.56% from July 1, 2025 through November 20, 2025 (per diem: <u>\$57.06</u> )	\$8,159.58
Escrow Advances	\$9,316.00
Attorney's Fees	\$7,278.00
Attorney's Costs	\$5,059.80
<b>GRAND TOTAL DUE</b>	<b>\$419,723.08</b>

3. **Interest.** The Grand Total Due in Paragraph 2 will bear interest at the prevailing statutory interest rate of 8.65% percent per year from this date through December 31 of this current year. Thereafter, on January 1 of each succeeding year until judgment is paid, the interest rate will adjust in accordance with Section 55.03, Florida Statutes.

4. **Attorney's Fees.** The Court finds that the total sum of \$7,278.00 is a reasonable attorney's fee for the services rendered and presently anticipated to be rendered in this action by Plaintiff's counsel, HOWARD LAW. This sum is comprised of \$5,010.00 for an agreed to flat fee with regard to the services rendered time on routine, non-contested portions of this action plus \$2,268.00, consisting of 2.10 hours at a rate of \$330.00 and \$1,575.00 for additional flat fees, with regard to services rendered on non-routine and/or contested portions of this action. 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 valid lien for the Grand Total Due superior to all claims or estates of Defendants. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the Defendants 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, Sections 718.116 and/or 720.3085. The Plaintiff's lien encumbers the following described real property located in Citrus County, Florida, and legally described as follows:

LOT 10 OF ST. MARTIN'S ESTUARY RETREATS UNIT NO. 7, AN UNRECORDED SUBDIVISION IN SECTION 10, TOWNSHIP 19 SOUTH, RANGE 16 EAST, CITRUS COUNTY, FLORIDA AND OTHER LANDS, FURTHER DESCRIBED AS FOLLOWS:

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PARCEL #1

LOT 10, ST. MARTINS ESTUARY RETREATS, UNIT NO. 7, AN UNRECORDED SUBDIVISION IN SECTION 10, TOWNSHIP 19 SOUTH, RANGE 16 EAST DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE W 1/2 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 16 EAST, THENCE N 89° 55' 40" W ALONG THE NORTH LINE OF SAID W 1/2 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 16 EAST AND THE NORTH RIGHT OF WAY OF A 50 FOOT WIDE ROAD A DISTANCE OF 414.18 FEET, THENCE S 32° 15' 20" W 59.08 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY OF SAID 50 FOOT WIDE ROAD, THENCE CONTINUE S 32° 15' 20" W ALONG SAID RIGHT OF WAY A DISTANCE OF 36.09 FEET, THENCE S 11° 59' 40" EAST ALONG SAID RIGHT OF WAY 63.30 FEET, THENCE S 89° 55' 40" E 109.43 FEET MORE OR LESS TO THE WATER OF A CANAL THENCE N 0° 14' 52" W ALONG SAID WATERS OF A CANAL A DISTANCE OF 92.45 FEET A POINT THAT BEARS S 89° 55' 40" E FROM THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY OF A 50 FOOT ROAD, THENCE N 89° 55' 40" W ALONG SAID RIGHT OF WAY A DISTANCE OF 102.92 FEET, MORE OR LESS TO THE POINT OF BEGINNING;

AND THE FOLLOWING DESCRIBED 50 FOOT ROADWAY EASEMENT TO BE USED IN CONJUNCTION WITH OTHERS. THE NORTH 50 FEET OF THE EAST 443.72 FEET OF THE W 1/2 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH RANGE 16 EAST, AND COMMENCE AT THE NE CORNER OF THE W 1/2 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 16 EAST; THENCE N 89° 55' 40" W ALONG THE NORTH LINE OF THE W 1/2 OF THE SW 1/4 OF SAID SECTION 10, A DISTANCE OF 414.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89° 55' 40" W 59.08 FEET; THENCE S 32° 15' 20" W 84.05 FEET; THENCE S 11° 59' 40" E 251.57 FEET; THENCE S 4° 03' 20" W 88.73 FEET; THENCE S 13° 39' 20" W 205.54 FEET; THENCE S 70° 25' 20" W 287.32 FEET, THENCE S 39° 52' 23" E 53.30 FEET; THENCE N 70° 25' 20" E 295.85 FEET; THENCE N 13° 39' 20" E 236.76 FEET; THENCE N 4° 03' 20" E 99.98 FEET; THENCE N 11° 59' 40" N 238.30 FEET; THENCE N 32° 15' 20" E 95.17 FEET TO THE POINT OF BEGINNING.

AND

PARCEL #2

COMMENCE AT THE NE CORNER OF THE W 1/2 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 SOUTH, RANGE 16 EAST, SAID POINT ALSO BEING ON THE WESTERLY LINE OF LOT 1-A, ST. MARTIN'S ESTUARY RETREATS UNIT NO. 6, AS RECORDED IN PLAT BOOK 4, PAGE 150, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA, THENCE S 20° 59' 50" W ALONG SAID WESTERLY LINE A DISTANCE OF 40.38 FEET, TO THE

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NW CORNER OF LOT 1, AS SHOWN ON SAID PLAT, THENCE S 27° 16' 00" W ALONG THE WESTERLY LINE OF SAID LOT 1 A DISTANCE OF 13.81 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF A 50 FOOT WIDE COUNTY ROAD, THENCE N 89° 55' 40" W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 161 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE N 89° 55' 40" W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 263.91 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD, THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: S 32° 15' 20" W 36.09 FEET, THENCE S 11° 59' 40" E 63.30 FEET, THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE S 89° 55' 40" E 109.43 FEET, MORE OR LESS, TO THE WATERS OF A CANAL, THENCE ALONG SAID WATERS THE FOLLOWING COURSES AND DISTANCES: N 0° 14' 52" W 82.45 FEET, THENCE S 89° 34' 18" E 160.94 FEET TO A POINT THAT BEARS S 0° 04' 20" W, FROM THE POINT OF BEGINNING, THENCE N 0° 04' 20" E 11 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 351, PAGE 786, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

including the buildings, appurtenances, and fixtures located thereon.

Property Address: 1517 S Fishcreek Point, Crystal River, FL 34429  
(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 **January 8, 2026**, with the first sale commencing at 10:00 AM on the specified date, (except legal holidays) in Citrus County, Florida, in accordance with Florida Statutes, Section 45.031 to the highest bidder for cash, except as prescribed herein, using the following method:

- Online at [www.citrus.realforeclose.com](http://www.citrus.realforeclose.com)

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 Florida Statutes, Section 45.031. 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

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costs; second, documentary stamps affixed to the Certificate, unless the Subject Property is purchased by a third-party bidder; third, Plaintiff's attorneys' fees; fourth, the Grand Total Due to Plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 3 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 Defendants' 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 granting additional attorney's fees and costs; (2) writs of possession; (3) orders determining the amount and responsibility for assessments that may be due a condominium or homeowner's association pursuant to Florida Statutes, Sections 718.116 or 720.3085; (4) orders arising out of re-foreclosure, to include permitting a supplemental complaint to add an interest-holder; and/or (5) 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 WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. 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 AVE., INVERNESS, FL 34450 (TELEPHONE: 352-341-6424), 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,**

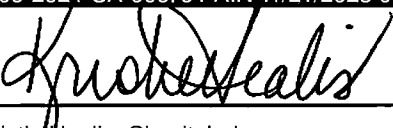
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**TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT THE COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC., 106 N. OSCEOLA AVENUE, INVERNESS, FL 34450 (TELEPHONE: 800-405-1417) 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 COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC., YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.**

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

14. Count II of Plaintiff's Complaint for 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.

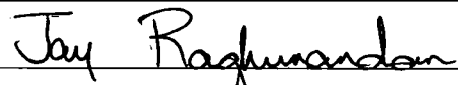
**DONE and ORDERED** this Friday, November 21, 2025 in Inverness, Citrus County, Florida.

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Kristie Healis, Circuit Judge  
09-2024-CA-000764-AIN 11/21/2025 03:05:08 PM

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of the foregoing has been furnished by e-service on Friday, November 21, 2025 to:  
Harris S. Howard  
Pleadings@HowardLaw.com  
360efile@360legal.net  
ECCM-FL@provana.com

ECCM-FL  
ECCM-FL@provana.com

09-2024-CA-000764-AIN 11/21/2025 03:05:45 PM  
  
Jay Raghunandan, Judicial Assistant  
09-2024-CA-000764-AIN 11/21/2025 03:05:45 PM

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**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.**