

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
 IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
 CIRCUIT CIVIL DIVISION

Plaintiff(s),

CASE NO.: \_\_\_\_\_

v.

GENERAL CIVIL DIVISION: \_\_\_\_\_

Defendant(s).

\_\_\_\_\_ /

**UNIFORM FINAL JUDGMENT OF FORECLOSURE**

*(Effective July 22, 2019)*

THIS ACTION was heard before the court on plaintiff's Motion for Summary Final Judgment on \_\_\_\_\_, 20\_\_\_. Based on the evidence presented and being otherwise fully informed in the premises,

IT IS ADJUDGED that:

1. Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been \_\_\_\_\_ duly \_\_\_\_\_ and \_\_\_\_\_ regularly \_\_\_\_\_ obtained \_\_\_\_\_ over \_\_\_\_\_, defendants.

2. **VALUE OF CLAIM.** At the initiation of this action, in accordance with section 28.241(1)(a)2.b., Florida Statutes (effective for actions filed on and after June 1, 2009), plaintiff estimated the amount in controversy of the claim to be \$\_\_\_\_\_. In accordance with section 28.241(1)(a)2.c., Florida Statutes, the court identifies the actual value of the claim to be \$\_\_\_\_\_. 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:

<b>\$400</b>	<b>Value of claim less than or equal to \$50,000 with 5 defendants or less</b>
<b>\$905</b>	<b>Value of claim greater than \$50,000 but less than \$250,000 with 5 defendants or less</b>
<b>\$1,905</b>	<b>Value of claim \$250,000 or greater with 5 defendants or less</b>

**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 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. **Amounts Due.** There is due and owing to plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$ _____
Interest on the note and mortgage from _____ to _____	\$ _____
Per diem interest at _____ % from _____ to _____	\$ _____
Late Charges	\$ _____
Escrow Advances	\$ _____
Title search expenses	\$ _____
Taxes for the year(s) of _____	\$ _____
Insurance premiums	\$ _____
Court Costs:	
• Filing fee	\$ _____
• Service of Process at \$ _____ per defendant	\$ _____
• Publication for _____	\$ _____

SUBTOTAL \$ \_\_\_\_\_

Additional Expenses, Fees and Costs:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

SUBTOTAL \$ \_\_\_\_\_

Attorney fees total: \$ \_\_\_\_\_

Less: Undisbursed escrow funds	\$ _____
Less: Unearned insurance premiums	\$ _____
Less: Miscellaneous deductions or credits	\$ _____

TOTAL SUM \$ \_\_\_\_\_

4. **Interest.** The total sum referenced in Paragraph 3 shall bear interest from this date forward at the rate of interest set forth in section 55.03, Florida Statutes.

5. **Lien on Property.** Plaintiff, whose address is \_\_\_\_\_, holds a lien for the total sum specified in Paragraph 3 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or 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 sections 718.116 or 720.3085,

Florida Statutes. Plaintiff's lien encumbers the subject property located in Hillsborough County, Florida and described as:

(LEGAL DESCRIPTION)

Property Address: \_\_\_\_\_

6. **Sale of Property.** 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 the Court shall sell the subject property to the highest bidder for cash at public sale on \_\_\_\_\_, 20\_\_\_\_, at 10:00 A.M. after having first given notice as required by section 45.031, Florida Statutes. The judicial sale will be conducted electronically online at the following website: <http://www.hillsborough.realforeclose.com>. At least three (3) days prior to the sale, plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with section 45.031(2), Florida Statutes, and submitting the Notice of Sale to a legal publication. The original Notice of Sale and Proof of Publication must be filed with the Clerk of the Circuit Court at least 24 hours prior to the scheduled sale date.

7. **Court Costs.** Plaintiff shall advance all subsequent required costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not the purchaser of the property for sale. 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. *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. **Additional Expenses, Fees and Costs.** If, subsequent to the entry of this final judgment, but prior to the actual sale date of the property, plaintiff incurs additional expenses, fees or costs to protect its interest in the property after entry of this judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs, plaintiff may, by written motion served on all parties, seek to amend this final judgment to include such additional expenses, fees and costs. Such additional expenses, fees and costs shall be added to the "total sum due" in Paragraph 3 and shall be paid from the distribution of proceeds of the sale. A motion to amend the final judgment to include additional expenses, fees and costs must be filed not later than 15 days after entry of the judgment, pursuant to Florida Rule of Civil Procedure 1.530(g).

9. **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 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 in Paragraph 3, 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—the "surplus proceeds"—pending further Order of this court.

10. **Right of Redemption / Right of Possession.** 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, 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.

11. **Attorneys' Fees.**

*If a default judgment has been entered against the mortgagor* – Because a default judgment has been entered against the mortgagor and because the fees requested do not exceed 3% of the principal amount owed at the time the complaint was filed, it is not necessary for the court to hold a hearing or adjudge the requested attorneys' fees to be reasonable.

*If no default judgment has been entered against the mortgagor* – The court finds, based upon the affidavits presented and upon inquiry of counsel for the plaintiff, that \_\_\_\_\_ hours were reasonably expended by plaintiff's counsel and that an hourly rate of \$ \_\_\_\_\_ 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).

*If the fees to be awarded are a flat fee* – 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 fee requested and the labor expended, the court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.

12. **Claims to Surplus Funds/Proceeds.**

A. **Generally**

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.

The funds remaining after payment of all disbursements required by Paragraph 3 and Paragraph 7 of this final judgment and shown on the certificate of disbursement are “surplus funds.”

**B. Claim by Subordinate Lienholder**

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.

A subordinate lienholder is the holder of a subordinate lien *as shown on the face of the pleadings* as an encumbrance on the property. A subordinate lienholder includes, but is not limited to, a subordinate mortgage, judgment, tax warrant, assessment lien, or construction lien. A subordinate lienholder not shown on the face of the pleadings is not entitled to the surplus if it did not intervene in the action within 30 days after the recording of the notice of lis pendens. If your lien was paid in full from the proceeds of the sale, you have no claim to the surplus. One year after the sale, any surplus remaining with the Clerk of the Court must be remitted to the Department of Financial Services, as provided in section 45.032(3)(c), Florida Statutes.

**C. Claim by Owner of Record**

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 AT 813-276-8100 **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 BAY AREA LEGAL SERVICES, 1302 N. 19<sup>TH</sup> STREET, SUITE 400, TAMPA, FLORIDA 33605-5230, TELEPHONE NUMBER, 813-232-1343, 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 HILLSBOROUGH COUNTY BAR ASSOCIATION REFERRAL

SERVICE AT 813-221-7780 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

The property owner is the owner of record who appears to be the owner(s) of the foreclosed property *on the date of the filing of the lis pendens*. To make a claim to the surplus, an owner of record may use the form provided at section 45.032(3)(a), Florida Statutes. One year after the sale, any surplus remaining with the Clerk of the Court must be remitted to the Department of Financial Services, as provided in section 45.032(3)(c), Florida Statutes. After the surplus has been remitted to the Department of Financial Services, the owner of record, or the beneficiary of a deceased owner of record, must make a claim with the Department for the surplus pursuant to section 717.124, Florida Statutes.

**D. Claim by Grantee or Assignee of Property Owner**

If you are an assignee of the rights of the owner of record, you must prove entitlement to the surplus funds in accordance with section 45.033, Florida Statutes.

**E. Claim by Plaintiff**

Plaintiff/Mortgagee is not entitled to surplus funds/proceeds. Any additional expenses, fees and costs incurred subsequent to entry of the final judgment, but prior to the sale, must be added to the “total sum due” pursuant to Paragraph 8, and are not payable from the surplus proceeds.

STATUTORY REQUIRED LANGUAGE ABOVE, IN ACCORDANCE WITH SECTION 45.031, FLORIDA STATUTES, IS IN ALL CAPITAL LETTERS.

13. **Assignment.** *The plaintiff may assign the judgment and credit bid by the filing of an assignment prior to the issuance of the certificate of title without further order of the court.*

14. [\_\_\_\_\_] **Re-establishment of Lost Note.** The court finds that the plaintiff has re-established the terms of the lost note and its right to enforce the instrument as required by applicable law and the mortgage note is hereby re-established in accordance with section 673.3091, Florida Statutes. Plaintiff shall hold the defendant(s) maker of the note harmless and shall indemnify defendant(s) for any loss defendant(s) may incur by reason of a claim by any other person to enforce the lost note. Adequate protection has been provided as required by law by the following means (identify means of security under applicable law: a written indemnification agreement, a surety bond, include specific detail):

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Judgment is hereby entered in favor of the plaintiff as to its request to enforce the lost note.

15. [ ] **U.S.A.'s Right of Redemption. NOTICE TO PROSPECTIVE PURCHASERS: Post-Sale Right of Redemption of the United States.** Where the United States of America is a named junior lienholder, it maintains the right of redemption pursuant to Title 28, United States Code, Section 2410(c). The United States of America's right to redeem can be exercised up to one year from the date of sale, except that a tax lien must be redeemed within 120 days of the date of sale. Further, the United States of America shall not be bound by the time period imposed by section 45.032, Florida Statutes, upon motions for distribution of surplus proceeds.

16. **Jurisdiction Retained.** The court retains jurisdiction of this action to enter further orders or judgments that are proper, including, without limitation, *orders amending this final judgment in accordance with Paragraph 8, orders disbursing the surplus proceeds, orders of reforeclosure, orders authorizing writs of possession and an award of attorney's fees, to enter deficiency judgments if the borrower has not been discharged in bankruptcy, and to enforce the adequate protection ordered, if applicable.*

*(ANY ADDITIONS, MODIFICATIONS OR CHANGES TO THE PROVISIONS ABOVE SHOULD BE BROUGHT TO THE ATTENTION OF THE JUDGE AND SET FORTH IN BOLD TYPE AND CONSECUTIVELY NUMBERED PARAGRAPHS).*

IT IS ORDERED in Tampa, Hillsborough County, Florida, on \_\_\_\_\_.

\_\_\_\_\_  
Circuit Judge

Copies furnished to: