

IN THE CIRCUIT COURT OF THE 3RD JUDICIAL CIRCUIT
IN AND FOR TAYLOR COUNTY, FLORIDA

UNITED STATES OF AMERICA,
acting through the United States Department
of Agriculture, Rural Development,
f/k/a Farmers Home Administration,
a/k/a Rural Housing Service,

Plaintiff,

vs.

THE ESTATE OF WILBUR M. AMAN,
DECEASED, et.al.,

Defendants.

CASE NO.: 62-2019-CA-000567

FILED IN OFFICE

OCT 16 2023

GARY KNOWLES CLERK OF COURT
BY AK DC

NOTICE OF JUDICIAL SALE

NOTICE IS HEREBY GIVEN that pursuant to an Order of Final Judgment entered in the above style case now pending in said court, that the clerk will sell to the highest and best bidder for cash on the 30th day of November 2023 at 11:00 a.m. on the east steps of the Taylor County Courthouse at 108 North Jefferson Street, Perry, Florida, and in accordance with the language contained in the Administrative Order(s) for the appointed County Court for the following described property:

LOT FOURTEEN (14) OF BLOCK "B" OF WESTSIDE HEIGHTS SUBDIVISION ACCORDING TO THE MAP OR PLAT OF SAID SUBDIVISION OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF TAYLOR COUNTY, FLORIDA, IN PLAT BOOK 1, PAGE 73.

Which has the address of 2175 Fern Street, Perry, Florida 32347.

This Notice shall be published once a week for two (2) consecutive weeks in the *Perry News*. The second publication shall be at least 5 days before the sale.

ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM BEFORE THE CLERK REPORTS THE SURPLUS AS UNCLAIMED.

WITNESS my hand and seal of the Court on October 16, 2023.



Clerk of the Circuit Court

By: Kathryn Raap
Deputy Clerk

10/16
cc: Plaintiff's atty
to distribute copies
usdafpleadings@
jpgilchristlaw.com

**IN THE CIRCUIT COURT OF THE 3RD JUDICIAL CIRCUIT
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UNITED STATES OF AMERICA,
acting through the United States Department
of Agriculture, Rural Development,
f/k/a Farmers Home Administration,
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Plaintiff,

vs.

THE ESTATE OF WILBUR M. AMAN,
DECEASED, et.al.,

Defendants.

CASE NO.: 62-2019-CA-000567

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE OF ACTION was heard before the Court on Plaintiff's **MOTION FOR SUMMARY JUDGMENT** on the 20th day of September, 2023. Based on the evidence presented and being otherwise fully informed in the premises,

IT IS ORDERED AND ADJUDGED that Plaintiff's **MOTION FOR SUMMARY JUDGMENT** filed on April 21, 2023, is hereby **GRANTED**.

1. **Amounts Due and Owning.** Plaintiff is due the following costs:

EXPENSES, COURT COSTS & ATTORNEY FEES

COSTS & ATTORNEY FEES

a. Notice of Intent:	\$	125.00
b. Title Search Fee:	\$	295.00
c. Title Update Fee:	\$	475.00
d. Lien Search:	\$	600.00
e. Court Call Fee:	\$	70.00
f. Death Certificate Fee	\$	161.00

g. Attorney's Fees:	
i. Foreclosure Flat Fee:	\$ 2,650.00
ii. Hourly Billed Time (7.6 hours x \$350.00):	\$ 2,660.00
iii. Hourly Billed Time (9.7 hours x \$280.00):	\$ 2,716.00
iv. Hourly Billed Time (8.6 hours x \$250.00):	\$ 2,150.00
v. Hourly Billed Time (2.9 hours x \$175.00):	\$ 507.50
vi. Hourly Billed Time (2.7 hours x \$75.00):	\$ 202.50
vii. Guardian Ad Litem Fee:	\$ 1,000.00
h. Court Costs, now taxed:	
i. Filing Fee:	\$ 936.68
ii. Summons Issuance Fee:	\$ 103.50
iii. Service of Process:	\$ 1,973.32
iv. Estimated Publication: Notice of Sale	\$ 222.15
v. Estimated Clerk Sale's Fee	\$ 70.00
vi. Publication in: <i>Perry News</i> for: DAX BAKER	\$ 222.15
vii. Publication in: <i>Perry News</i> for:	\$ 195.63
ESTATE OF WILBUR MORROW AMAN, DECEASED;	
ESTATE OF NORMAN BREWER BAKER, DECEASED;	
and	
ESTATE OF BARBARA C. AMAN, DECEASED	
TOTAL COSTS & ATTORNEY FEES	\$ 17,335.43

PAYOFF BREAKDOWN

i. Principal	\$ 72,498.94
j. Interest from 06.10.15 to 09.20.2023	\$ 36,039.13
k. Escrow/Impound Required	\$ 0.00
l. RD Premium Due	\$ 0.00
m. Optional Insurance	\$ 0.00
n. Late Charges Due	\$ 78.08
o. P & I Advance	\$ 0.00
p. Deferred Amounts	\$ 0.00
q. Fees Assessed with Payoff Quote	\$ 0.00
r. Interest Calculations	
i. Fees Required with Payoff Funds	\$ 5,522.69
ii. Fees Currently Assessed	\$ 36,246.33
iii. Buyer Assistance	\$ 0.00
s. Funds to be Credited	

i. Less Escrow/Impound Funds	\$	0.00
ii. Less Unapplied Funds	\$	0.00
iii. Less Buydown Funds	\$	0.00
iv. Less Financed Cov Rebate Funds	\$	0.00
v. Less SAC Amounts Paid	\$	0.00
vi. Less Remaining PRA	\$	0.00
vii. Less Early Refunds	\$	0.00
t. Funds Retained		
i. Escrow/Impound Funds	\$	0.00
ii. Unapplied Funds	\$	0.00
iii. Buydown Funds	\$	0.00
	PAYOFF TOTAL	\$ 150,385.17
TOTAL AMOUNT OF JUDGMENT	\$	167,720.60

2. **Interest.** The **Total Costs & Attorney Fees** amount referenced in Paragraph 1 and the amount identified as “Payoff Funds Required” referenced in Exhibit “X” of the AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, shall bear interest from this date forward at the prevailing legal rate.

3. **Lien on Property:** Plaintiff, **UNITED STATES OF AMERICA**, acting through the **United States Department of Agriculture, Rural Development, f/k/a Farmers Home Administration, a/k/a Rural Housing Service**, who address is 2525 Ponce de Leon Boulevard, Suite 300, Coral Gables, Florida 33134, which is superior, paramount to the right, title, interest, claims, liens, encumbrances and equities of the following Defendants: ESTATE OF WILBUR MORROW AMAN, DECEASED; ESTATE OF BARBARA C. AMAN, DECEASED; ESTATE OF NORMAN BREWER BAKER, DECEASED; ESTATE OF JUDITH KAREN BAKER, DECEASED; CAPITAL ONE BANK; WILBUR GERALD AMAN; CAROL JOAN BEATY; ERIC BAKER; BRYAN BAKER; DAX BAKER; AMBER WALDORF ROACH; HALLIE BAKER RICHARDSON, and any unknown heirs, devisees, grantees, creditors, and other unknown persons or unknown spouses claiming by, through and

under any of the above-named Defendants, and any and all other persons claiming any interest since the filing of the Lis Pendens on the following real property located in Taylor County, Florida specifically identified as:

LOT FOURTEEN (14) OF BLOCK "B" OF WESTSIDE HEIGHTS SUBDIVISION
ACCORDING TO THE MAP OR PLAT OF SAID SUBDIVISION OF RECORD
IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF TAYLOR
COUNTY, FLORIDA, IN PLAT BOOK 1, PAGE 73.

Which has the address of 2175 Fern Street, Perry, Florida 32347

4. **Sale of Property.** If the Grand Total amount with interest at the rate described in Paragraph 2 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Courts shall sell the subject property at Public Sale on the 30th day of November, 2023 to the highest bidder for cash, except as prescribed in Paragraph 5, all foreclosure sales are held on Tuesdays and Thursdays, but not every Tuesday and Thursday, at 11:00 a.m. on the east steps of the Taylor County Courthouse at 108 North Jefferson Street, Perry, Florida, and in accordance with the language contained in the Administrative Order(s) for the appointed County Court.

5. **Costs.** Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not purchaser of the property for sale, provided, however, that the purchaser of the property for sale shall be responsible for documentary stamps affixed to 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. **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; third, Plaintiff's Attorneys' Fees; fourth, the total sum

due to plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale; and by retaining any remaining amount pending the further order of this Court.

7. **Rights of Redemption/Rights of Possession.** Upon 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 to claims or rights under Section 45.0315, Florida Statutes (2013) shall be terminated, except as to claims under Chapter 718 or Chapter 720, Florida Statutes, if any. Upon filing of the Certificate of Title, the person named on the Certificate of Title shall be let into possession of the property.

8. **Attorney Fees.** The requested attorney's fees are a flat rate fee that the firm's client has agreed to pay in this matter. The requested hourly attorney's fees for additional work performed has been approved by the firm's client for this case, if applicable. Given the amount of the fees requested and the labor expended, the court finds that a lodestar analysis is not necessary and that the flat fee is reasonable.

9. **Jurisdiction.** The court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession, deficiency judgments (**if sought and appropriate**), orders granting leave to file supplemental and/or amended pleadings to add additional parties, and others resolving any disputes with respect to assessments and/or other amounts allegedly due associations.

10. **Additional Expenses Post Judgment.** If the Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in Paragraph 4, 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.

11. **Reformation of Mortgage.** Due to a scrivener's error the legal description in the Mortgage does not correctly identify the legal description of the property. Accordingly, the legal description should be reformed to correct the discrepancy between the Mortgage's legal description and the correct legal description of the property as follows:

- a. The legal description in the Mortgage reads: **"LOT FOURTEEN (14) OF BLOCK "B" OF WESTSIDE HEIGHTS SUBDIVISION ACCORDING TO THE MAP OR PLAT OF SAID SUBDIVISION OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF TAYLOR COUNTY, FLORIDA, IN PLAT BOOK 1, PAGE 73."**
- b. The Mortgage is being reformed to reflect the correct legal description as follows: **"LOT FOURTEEN (14) OF BLOCK "B" OF WESTSIDE HEIGHTS SUBDIVISION ACCORDING TO THE MAP OR PLAT OF SAID SUBDIVISION OF RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF TAYLOR COUNTY, FLORIDA, IN PLAT BOOK 1, PAGE 73."**

12. **The Mortgage recorded in Official Records Book 543 at Page 645 of the Public Records of Taylor County, Florida, is hereby reformed to reflect the correct legal description as referenced above in Paragraph 11(b).**

13. **Reformation of Promissory Note.** Due to physical property address changes by the E-911 address officer in the Taylor County Sheriff's office, the property address in the Promissory Note does not correctly identify the current property address. Accordingly, the property address

should be reformed to correct the discrepancy between the Promissory Note's address and the current correct physical address as follows:

- a. The Note reads: "2175 FERNS ST, Perry, Taylor, FL"
- b. The Promissory Note is being reformed to reflect the current and correct physical address as follows: "2175 Fern Street, Perry, Taylor, FL 32347"

14. The Promissory Note is hereby reformed to reflect the correct physical address as referenced above in Paragraph 13(b).

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 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, 108 NORTH JEFFERSON STREET, PERRY, FL 32348, OR CALL (850) 838-3506, WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ANY 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 LEGAL AID SOCIETY AT FLORIDA LEGAL SERVICES, INC. VOLUNTARY PRO BONO ATTORNEY PLAN, PO BOX 7416, TALLAHASSEE, FL 32314, TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAT REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT THE LEGAL AID SOCIETY YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

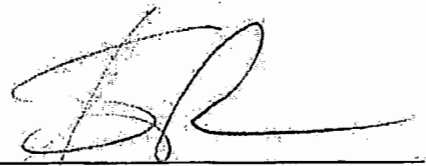
IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. FOR ALL OTHER ADA ACCOMMODATION REQUESTS PLEASE CONTACT:

CARRINA COOPER
COURT ADMINISTRATION
173 NE HERNANDO AVENUE, ROOM 408
LAKE CITY, FLORIDA 32055
PHONE: 386-758-2163
EMAIL: ADAMAIL@JUD3.FLCOURTS.ORG

CONTACT COURT ADMINISTRATION AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS, IF YOU ARE HEARING IMPAIRED CALL 711.

DONE and ORDERED in Chambers at Taylor County, Florida
this 12th day of October, 2023.

By:



GREG PARKER
CIRCUIT COURT JUDGE

**COPIES FURNISHED TO THE
FOLLOWING SERVICE LIST:**

**Estate of Wilbur Morrow Aman,
Deceased**
Defendant
2175 Fern Street
Perry, Florida 32347

Estate of Barbara C. Aman
Defendant
2175 Fern Street
Perry, Florida 32347

**Estate of Norman Brewer
Baker**
Defendant
2175 Fern Street
Perry, Florida 32347

David Alan Kupperman, Esq.
As Guardian Ad Litem
DavidKupperman@att.net

George Cline Moore, Esq.
*For the Defendant, Estate of Judith
Karen Baker*
Kende@fairpoint.net

Hallie Baker Richardson
Defendant
6023 Hickory Creek Road
Greensboro, NC 27407

Capital One Bank
Defendant
100 Shockoe Slip, 2nd Floor
Richmond, VA 23219

Wilbur Gerald Aman
Defendant
10735 South West Mt. Gilead Road
Greenville, FL 32331

Carol Joan Beaty
Defendant
14027 South West Overstreet
Lamont, FL 32336

Eric Baker
Defendant
4901 Tower Road, Apt. C
Greensboro, NC 27410

Bryan Baker
Defendant
1001 Meade Dr
Greensboro, NC 27410

Dax Baker
Defendant
160 East 48 Street, Unit 13-E
New York, NY 10017

Amber Waldorf Roach
Defendant
7064 Beach Road
Perry, FL 32348