

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

U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR
IN INTEREST TO WACHOVIA BANK,
NATIONAL ASSOCIATION, AS TRUSTEE,
FOR MID-STATE TRUST XI,

Plaintiff,

CASE NO.: 23000044CAC

vs.

JAMES TERRELL WINSTEAD A/K/A JAMES
T. WINSTEAD; SUSAN KELLY WINSTEAD;
UNKNOWN TENANT(S) IN POSSESSION #1
and #2, and ALL OTHER UNKNOWN PARTIES,
et.al.,

Defendant(s).

FILED IN OFFICE

FEB 07 2024

GARY KNOWLES CLERK OF COURT
BY AK DC

NOTICE OF FORECLOSURE SALE
(Publish in the Perry News Herald)

NOTICE IS HEREBY GIVEN pursuant to a Final Summary Judgment of Foreclosure dated February 7, 2024, entered in Civil Case No.: 23000044CAC of the Circuit Court of the Third Judicial Circuit in and for Taylor County, Florida, wherein U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE, FOR MID-STATE TRUST XI, Plaintiff, and JAMES TERRELL WINSTEAD A/K/A JAMES T. WINSTEAD; SUSAN KELLY WINSTEAD and UNKNOWN TENANT(S) IN POSSESSION #1 N/K/A ANA MARIE WINSTEAD; are Defendants.

I will sell to the highest bidder for cash, at the East Steps of the Taylor County Courthouse, 108 North Jefferson Street, Perry, FL 32347 at 11:00 AM, on the 16 day of April 2024, the following described real property as set forth in said Final Summary Judgment, to wit:

COMMENCE AT SE CORNER OF NE 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 8 EAST: RUN SOUTH 13.82 FEET TO THE NORTH R-W LINE OF THE SOUTHERN RAILROAD FORMERLY KNOWN AS L.O.P & G. R-R RIGHT-O-WAY; RUN NORTH 59 DEGREES 45 MINUTES WEST 800 FEET FOR POINT OF BEGINNING. THENCE RUN NORTH 59 DEGREES 45 MINUTES WEST 210 FEET; THENCE RUN NORTH 30 DEGREES 15 MINUTES EAST 210 FEET; THENCE RUN SOUTH 59 DEGREES 45 MINUTES EAST 210 FEET; THENCE RUN SOUTH 30 DEGREES 15 MINUTES WEST 210 FEET TO BEGINNING.

If you are a person claiming a right to funds remaining after the sale, you must file a claim with the clerk before the clerk reports the surplus as unclaimed. If you fail to file a timely claim you will not be entitled to any remaining funds. After the funds are reported as unclaimed, only the owner of record as of the date of the Lis Pendens may claim the surplus.

IF YOU ARE A PERSON WITH A DISABILITY WHO 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: Carrina Cooper; Court Administration, 173 NE, Hernando Avenue, Room 408, Lake City, Florida 32055, Phone: 386-758-2163. 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.

WITNESS my hand and the seal of the court on February 7, 2024

GARY KNOWLES
CLERK OF THE COURT

Hashim Gao
By: Deputy Clerk



Attorney for Plaintiff:
Brian L. Rosaler, Esquire
Popkin & Rosaler, P.A.
1701 West Hillsboro Boulevard
Suite 400
Deerfield Beach, FL 33442
Telephone: (954) 360-9030
Facsimile: (954) 420-5187

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On (dates) _____

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U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR
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JAMES TERRELL WINSTEAD A/K/A JAMES
T. WINSTEAD; SUSAN KELLY WINSTEAD;
UNKNOWN TENANT(S) IN POSSESSION #1
and #2, and ALL OTHER UNKNOWN PARTIES,
including, if a named Defendant is deceased, the
personal representatives, the surviving spouse,
heirs, devisees, grantees, creditors, and all other
parties claiming, by, through, under or against that
Defendant, and all claimants, persons or parties,
natural or corporate, or whose exact legal status is
unknown, claiming under any of the above named
or described Defendants,

Defendant(s).

FINAL SUMMARY JUDGMENT OF FORECLOSURE (IN REM)

THIS CAUSE, having come before the Court on February 07, 2024 upon Plaintiff's
Motion for Summary Judgment of Foreclosure and the Court having reviewed the file and being
fully advised in the premises,

IT IS ADJUDGED THAT:

1. **Amounts Due.** Plaintiff, U.S. BANK, N.A., AS TRUSTEE, SUCCESSOR IN
INTEREST TO WACHOVIA BANK, NATIONAL ASSOCIATION, AS TRUSTEE,
FOR MID-STATE TRUST XI, is due:

Principal	<u>\$72,543.68</u>
Deferred Principal & Interest of	<u>\$7,060.09</u>
Interest on said principal balance through October 27, 2023	<u>\$11,137.18</u>
Per diem Interest at <u>\$15.09</u> from 10/28/2023 through 02/07/2024	<u>\$1,554.27</u>
Late Charges	<u>\$168.03</u>
Initial Escrow Balance	<u>\$2,254.16</u>

Insurance Advances	<u>\$10,928.34</u>
Tax Advances	<u>\$3,084.21</u>
Escrow Disbursements	<u>\$145.36</u>
NSF Fees	<u>\$25.00</u>
Property Inspections	<u>\$330.00</u>
Title Cost	<u>\$350.00</u>
Filing Fees	<u>\$940.00</u>
Service of Process	<u>\$237.00</u>
Skip Trace Cost	<u>\$25.00</u>
Copy Retrieval Cost	<u>\$60.00</u>
Recording Cost	<u>\$7.00</u>
Plaintiff's Attorney Fees	<u>\$7,092.50</u>
Flat fees: \$4,350.00	
Hourly fees: \$2,742.50	
Subtotal	<u>\$117,941.82</u>
LESS: Escrow Credits	<u>(\$4,920.52)</u>
LESS: Unapplied Balance	<u>(\$900.00)</u>
TOTAL	<u>\$112,121.30</u>

together with such further costs as may be incurred by the Plaintiff in this action, including, but not limited to, the sale fee and publication of the Notice of Sale, and any advances made by the Plaintiff subsequent to September 21, 2023, which are proper under the terms of the Note and Mortgage foreclosed herein. Following entry, this Judgment shall bear interest at the prevailing legal rate of interest pursuant to Florida Statute Section 55.03.

2. **Lien on Property.** Plaintiff holds a lien for the total sum superior to any claim or estate of all Defendants, on the following described property in Taylor County, Florida:

COMMENCE AT SE CORNER OF NE 1/4 OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 8 EAST: RUN SOUTH 13.82 FEET TO THE NORTH R-W LINE OF THE SOUTHERN RAILROAD FORMERLY KNOWN AS L.O.P & G. R-R RIGHT-O-WAY; RUN NORTH 59 DEGREES 45 MINUTES WEST 800

FEET FOR POINT OF BEGINNING. THENCE RUN NORTH 59 DEGREES 45 MINUTES WEST 210 FEET; THENCE RUN NORTH 30 DEGREES 15 MINUTES EAST 210 FEET; THENCE RUN SOUTH 59 DEGREES 45 MINUTES EAST 210 FEET; THENCE RUN SOUTH 30 DEGREES 15 MINUTES WEST 210 FEET TO BEGINNING.

AKA: 2860 East U.S. 27 Highway, Perry, FL 32347

3. **Sale of Property.** 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 April 16, 2024, at 11:00 AM, to the highest bidder for cash, East Steps of the Taylor County Courthouse, 108 North Jefferson Street, Perry, FL 32347 in accordance with section 45.031, Florida Statutes.
4. **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 property for sale. If plaintiff is the purchaser, the clerk shall credit plaintiff's bid with the total sum with interest and cost accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. If plaintiff is purchaser, the clerk shall issue title to plaintiff, or its Assignee (upon Assignment of Bid with Clerk), without further payment or Order of this Court, except as herein provided.
5. **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 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.
6. **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, subject to the rights of a tenant occupying residential premises pursuant to section 83.5615, Florida Statutes.

7. **Attorneys' Fees.** The court finds upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff, that \$7,092.50 is reasonable and appropriate. Plaintiff's counsel represents that the attorneys' fees awarded does not exceed its contract fee with the plaintiff. The court finds that there is/are no reduction or enhancement factors for consideration by the court pursuant to Florida Patients Compensation Fund v. Rowe, 472 So. 2d 1145 (Fla. 1985). (IF the court has found that there are reduction or enhancement factors to be applied, then such factors must be identified and explained herein).
8. **Jurisdiction Retained.** Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, a deficiency judgment (unless the Defendant received a discharge in bankruptcy).

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 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 COURT, 108 N. JEFFERSON STREET, PERRY, FL 32347 ((850) 838-3506), 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 PROPERTY INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT THREE RIVERS LEGAL SERVICES, INC. 334 NW LAKE CITY AVENUE, LAKE CITY, FL 32056 (386-752-5960) 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 THREE RIVERS LEGAL SERVICES, INC. 334 NW LAKE CITY AVENUE, LAKE CITY, FL 32056 (386-752-5960) FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

9. In the event that a foreclosure sale is conducted pursuant to this Order and the successful purchaser fails to pay the initial deposit to the Clerk of Court and/or pay the complete purchase price to the Clerk of Court in accordance with the rules of the sale, the Clerk of Court shall reschedule the foreclosure sale pursuant to Florida Statute §45.031(2).
10. Should the subject property be sold to a third party at the foreclosure sale, the Clerk of Court is directed to make the full amount of the sale proceeds due Plaintiff payable as follows:
POPKIN & ROSALER, P.A. TRUST ACCOUNT, 1701 WEST HILLSBORO BOULEVARD, SUITE 400, DEERFIELD BEACH, FL 33442.

DONE AND ORDERED in chambers at Perry, Taylor County, Florida, this 7th day of February, 2024.



GREGORY S. PARKER
Circuit Court Judge

Copies Provided to:

CASE NO.: 23000044CAC

SERVICE LIST:

Brian L. Rosaler, Esquire
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Deerfield Beach, FL 33442

Kenneth R. Case, Esq.
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Primary e-mail: service@consumerlawattorneys.com
Secondary e-mail: kcase@consumerlawattorneys.com

Unknown Tenant(s) in Possession #1 N/K/A Ana Marie Winstead
2860 East U.S. 27 Highway
Perry, FL 32347