

IN THE CIRCUIT COURT OF THE 5TH JUDICIAL
CIRCUIT, IN AND FOR MARION COUNTY,
FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO: 2008CA002055 DIV. B

CITIBANK, N.A. AS TRUSTEE FOR
CERTIFICATEHOLDERS OF STRUCTURED
ASSET MORTGAGE INVESTMENTS II INC, BEAR
STEARNS ALTA TRUST, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-4
PLAINTIFF

VS.

MICHAEL T. BURTON A/K/A MICHAEL
BURTON; MICHELLE R. BURTON A/K/A
MICHELLE BURTON; ANY AND ALL UNKNOWN
PARTIES CLAIMING BY, THROUGH, UNDER,
AND AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANT(S) WHO ARE NOT
KNOWN TO BE DEAD OR ALIVE, WHETHER
SAID UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES,
GRANTEES OR OTHER CLAIMANTS; SILVER
MEADOWS NORTH PROPERTY OWNERS
ASSOCIATION, INC.; UNITED STATES OF
AMERICA; JOHN DOE AND JANE DOE AS
UNKNOWN TENANTS IN POSSESSION,
DEFENDANT(S)

FILED
CIRCUIT CIVIL
09 APR 13 PM 4:34
DAVID R. ELLSPERMAN
CLERK CIRCUIT COURT
MARION COUNTY, FL

This space is for recording purposes only

SUMMARY FINAL JUDGMENT IN FORECLOSURE

THIS CAUSE having come to be heard on Plaintiff's Motion for Summary Final Judgment and Taxation of Attorney Fees and Costs, and upon the Affidavits filed herein, and the Court being fully advised in the premises, it is hereby ORDERED:

1. The Plaintiff's Motion for Summary Final Judgment is GRANTED.
2. There is due to the Plaintiff the following:

Principal due on the note secured by the Mortgage foreclosed:	\$949,693.23
Interest on the Note and Mortgage from December 1, 2007 to December 1, 2008	\$73,802.93
Per diem interest at \$201.65 from December 2, 2008 through April 13, 2009	\$26,819.45
Late Charges	\$1,541.30
Appraisal	\$155.65
COSTS:	
Filing Fee	\$257.00
Service of Process	\$1,980.00
Abstracting	\$325.00
Service/Mail Required by Law	\$16.50
Recorded Lis Pendens Fee	\$9.00
Title Update Charges	\$75.00

	SUBTOTAL	\$1,054,675.06
Attorney's fees based upon 11 hours at \$150.00 per hour in the amount of:		<u>\$1,650.00</u>
	TOTAL	<u>\$1,056,325.06</u>

3. A lien is held by the Plaintiff whose address is EMC MORTGAGE CORPORATION C/O EMC MORTGAGE CORPORATION, 2780 LAKE VISTA DR., LEWISVILLE, TX 75067 for the total of the Final Judgment sum specified in the preceding paragraph, plus interest thereon. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the Defendants and all persons, firms or corporations 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. The lien encumbers the following described property in MARION County, Florida, to-wit:

LOT 5, BLOCK A AND THE EAST ½ OF LOT 6, BLOCK A, SILVER MEADOWS NORTH, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGES 71 THROUGH 75; PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

PARCEL B: BEGINNING AT THE SE CORNER OF LOT 5, BLOCK A OF SILVER MEADOWS NORTH, AS RECORDED IN PLAT BOOK 1, PAGES 71 THROUGH 75 INCLUSIVE, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID POINT ALSO BEING THE NE CORNER OF LOT 16, OF SAID BLOCK A, OF SILVER MEADOWS NORTH; THENCE N. 03°02'24" E. ALONG THE EAST BOUNDARY LINE OF AFORESAID LOT 5, BLOCK A OF SILVER MEADOWS NORTH, 625 FEET TO THE NE CORNER OF SAID LOT 5; THENCE N. 89°37'11"E, 13.51 FEET; THENCE S. 02°21'09" W, 125.82 FEET; THENCE S. 08°07'56" E, 203.86 FEET; THENCE S. 00°46'27"E, 300.67 FEET, THENCE N. 86°57'36" W. 74.5 FEET TO THE POINT OF BEGINNING.SAID PARCEL B BEING IN SECTION 19, TOWNSHIP 14 SOUTH, RANGE 23 EAST, MARION COUNTY, FLORIDA.

4. If the total sum due to the Plaintiff as set forth in Paragraph 2, plus interest at the statutory rate in effect at the time of the entry of this judgment, which rate shall remain the same until the judgment is paid, and all costs of this proceeding incurred subsequent to the date of this Judgment are not paid to Plaintiff, the Clerk of this Court shall sell the property described in Paragraph 3 in accordance with the terms of Paragraph 6.
5. The Plaintiff shall advance the cost of publishing the Notice of Sale and the Clerk's fee for it and shall be reimbursed by the Clerk out of the proceeds of the sale of the property described in Paragraph 3 if the Plaintiff does not become the purchaser of the property at the sale.
6. The Clerk of this Court shall sell the property described in Paragraph 3 at public sale at 11:00 a.m., on the 12 day of May, 2009, a date that shall not be less than 20 days or more than 35 days after the date of entry of this judgment, to the highest and best bidder or bidders for cash at JURY ASSEMBLY ROOM, FIRST FLOOR of the MARION County Courthouse located at 110 N.W. 1ST AVENUE, in OCALA, Florida, after having first given notice as required by Section 45.031, Florida Statutes. Any purchaser other than the Plaintiff shall pay all service

charges assessed by the Clerk of the Circuit Court pursuant to Florida Statute 28.24 together with proper documentary stamps to be affixed to the Certificate of Title.

7. The Plaintiff may be the bidder for, and purchaser of, the property described in Paragraph 3. If the Plaintiff is the purchaser of the property at the sale, the Clerk shall credit the bid of the Plaintiff with the total sum found to be due to the Plaintiff for such portion thereof as may be necessary to pay fully the bid of the Plaintiff. If, subsequent to the date of the Plaintiff's affidavit of indebtedness and prior to the sale contemplated in paragraph 6 hereof, the Plaintiff is required to advance any monies to protect its mortgage lien, then Plaintiff or its attorneys shall so certify to the clerk of this court, and the amount found due to the Plaintiff shall be increased by the amount of such advances without further order of the Court.
8. Upon the confirmation of the sale of the property by the clerk filing the Certificate of Sale, any and all persons claiming by, through, and under them since the date of the filing of the Notice of Lis Pendens, are forever barred and foreclosed of and from all right, title, interest, claim or demand of any kind or nature whatsoever in and to the property.
9. Upon the filing of the Certificate of Title, the Clerk shall make distribution of the proceeds from the sale in the following order and in the amounts due under each of the following subparagraphs:
 - a. All costs and expenses of these proceedings subsequent to the entry of the Summary Final Judgment of Foreclosure, including the cost of publishing the Notice of Sale and the Clerk's fee for making the sale, unless the Plaintiff, having already paid for these two items of cost, is the purchaser at the sale, the cost of the State documentary stamps affixed to the Certificate of Title based on the amount bid for the property, plus the costs, if paid by purchaser.
 - b. The total sum found to be due to the Plaintiff in Paragraph 2, plus interest at the statutory rate in effect at the time of entry of this judgment, which interest shall remain the same until the judgment is paid.
 - c. The balance of the proceeds of the sale in excess of the amounts paid under Paragraphs 9(a) and 9(b) shall be retained by the Clerk of this Court pending further order of this Court.
10. Upon the filing of the Certificate of Title, the purchaser at the sale, his/her representatives or assigns shall be let into possession of the property forthwith.
11. The Court retains jurisdiction of this cause and the parties to enter further orders as are proper, including deficiency judgments, if permissible. Any such deficiency judgment may be sought only against the makers of the note.
12. If the Plaintiff is the purchaser at the sale, the Plaintiff, their heirs, representatives, successors or assigns, shall be placed in immediate possession of the aforescribed premises. In the event the Defendants fail to vacate the premises within ten (10) days of the date of the foreclosure sale, the Clerk of the Court is directed to issue a Writ of Possession to the Plaintiff and/or purchaser, their heirs, representatives, successors, or assigns, without the necessity of any further order from this Court for the premises located at 6192 NE 72ND PLACE, SILVER SPRINGS, FLORIDA 34488.
13. In the event the Plaintiff is contractually obligated to pay its attorneys an amount less than the amount of reasonable fees awarded by the Court above in paragraph 2, the Defendant borrower shall have the right to pay that lesser amount for attorneys fees in the event the Defendant

borrower has the right to reinstate the loan prior to the sale under the loan documents or in the event the Defendant borrower tenders full payoff of the loan to the Plaintiff prior to the filing of the Certificate of Sale by the Clerk.

14. The court finds that the number of hours expended and the hourly rate charged by the Plaintiff's counsel as set forth in Paragraph 2 are reasonable. The Court further 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).
15. Should this property be sold to a third party, the Clerk of Court is hereby directed to make the check for the amount due to the Plaintiff pursuant to paragraph 10 above payable to **David J. Stern, P.A. Trust Account**.
16. In the event the instant case is dismissed by the Plaintiff, the Clerk of Court is hereby directed to release any original documents filed with the Court to counsel of record for Plaintiff.
17. If the subject property is a residence governed by a Homeowners Association, and purchaser takes title to said residence as a result of this foreclosure action, any such purchaser, other than Plaintiff and its assigns, shall be responsible to the Association for any assessments it may be entitled to pursuant to Section 720.3085, Fla. Stat. (2008). If Plaintiff is the successful purchaser, Plaintiff shall be responsible only for such assessments as come due after issuance of title.

NOTICE PURSUANT TO FLORIDA STATUTES § 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 THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

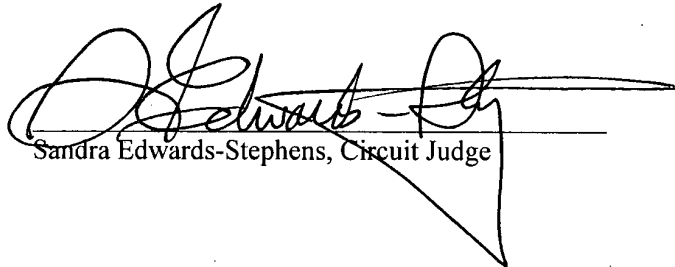
IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT FOR MARION COUNTY, TELEPHONE NUMBER 352-671-5610, 110 N.W. 1ST AVENUE, RM. 107, OCALA, FLORIDA 34475, 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

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CASE NO: 2008CA002055 DIV. B

INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT COMMUNITY LEGAL SERVICES OF MID-FLORIDA, INC., 352-629-0105, 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 in open court at OCALA, MARION County, Florida, this 13 day of April, 2009.



Sandra Edwards-Stephens, Circuit Judge

Copies furnished to:

LAW OFFICES OF DAVID J. STERN, P.A.
900 SOUTH PINE ISLAND ROAD, SUITE 400
PLANTATION, FL 33324-3920

MICHAEL T. BURTON A/K/A MICHAEL BURTON
MICHELLE R. BURTON A/K/A MICHELLE BURTON
304 SIR GEORGES CT.
SOUTHLAKE, TX. 76097

SILVER MEADOWS NORTH PROPERTY OWNERS ASSN. INC
C/O GREGORY FLANAGAN, REGISTERED AGENT
2701 SE MARICAMP RD, STE. 104
OCALA, FL 34471

ATTORNEY FOR UNITED STATES OF AMERICA
C/O THE UNITED STATES ATTORNEY FOR
THE MIDDLE DISTRICT OF FLORIDA
400 NORTH TAMPA STREET, STE. 3200
TAMPA, FL 33602

CURRENT TENANTS
6192 N.E. 72ND PL.
SILVER SPRINGS, FL 34488

08-50900 (EMC)