

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR MADISON COUNTY, FLORIDA
CIVIL DIVISION

CENTRA NCFL PROPERTIES, LLC,

CASE NO.: 2023000071CAAXMX

Plaintiff,

Division No.

vs.

S&S SENIOR HOUSING OF MADISON,
LLC, et al,

Defendants/
_____ /

SECOND AMENDED FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court 2/3/2026 by way of Plaintiff's Motion for Summary Judgment. Upon review of the pleadings and the Motion for Summary Judgment and Affidavits filed in support, the Court finds that Plaintiff is entitled to entry of this Final Summary Judgment of Foreclosure. Plaintiff supported its Motion for Summary Judgment with Affidavits to establish Plaintiff's standing, to establish the default in payment, to establish that conditions precedent were met, to establish the sums due and owing under the mortgage loan, and to establish the reformation count and legal description of the encumbered property, and for the sums due for attorney's fees and costs. The Court notes that no affidavits in opposition or other opposition was filed in response to Plaintiff's Motion. None of the listed Defendants opposed entry of the Plaintiff's Motion for Summary Judgment. Based on the foregoing, it is, therefore,

ORDERED and ADJUDGED that: The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over S & S SENIOR HOUSING OF BURNSVILLE, LLC; S&S SENIOR HOUSING OF MADISON, LLC; S & S SENIOR HOUSING OF LOUISBURG, LLC; KENNETH MARK SIMONS; JAMES R BAILEY; STEVE HALL CARPET & TILE, LLC; UNITED STATES OF AMERICA DEPARTMENT OF TREASURY; VICTOR W MASON; TROY & JENNY ENTERPRISES, INC.; AND STATE OF FLORIDA DEPARTMENT OF REVENUE, Defendants.

Amounts Due and Owing. Plaintiff, CENTRA NCFL PROPERTIES, LLC, is due:

Principal due on the note secured by the
mortgage foreclosed:

\$3,865,000.00

| | |
|---|-----------------------|
| Accrued Interest | \$2,931,780.81 |
| Additional Interest from 11/30/25 to 2/4/26 Interest Per Diem at \$2,800.00 | \$184,800.00 |
| Corporate Advances on Loan | \$ 168,919.07 |
| Delinquent Tax Payments | \$60,540.11 |
| Other Fees | \$4240,220.45 |
| Credit | (-\$400,000.00) |
| Attorneys' Fees | |
| Uncontested Fee: \$6,600.00 | \$16,600.00 |
| Contested Fee: 37.5 hours X \$250.00 + 5 hours x \$300.00 = \$10,000.00 | |
| Court Costs, Now Taxed: | |
| Filing Fee | \$1,987.68 |
| Service of Process | \$1,870.00 |
| Title | \$62.00 |
| Summons | \$144.90 |
| Skip | \$401.25 |
| Recording Fee | \$16.56 |
| Publication | \$472.82 |
| Total Due | \$7,067,667.46 |

That shall bear interest at a rate of 8.44% per year.

Said sums are owed jointly and severally by S&S Senior Housing of Madison, LLC, S&S Senior Housing of Burnsville, LLC, S&S Senior Housing of Louisburg, LLC, and Kenneth Mark Simons (Guarantor).

1. **Lien on Property.** Plaintiff holds a lien for the total sum superior to all claims or estates of defendant(s), on the following described property in Madison County, Florida:

Property Address: 765 NE Delphinium Drive, Madison, FL 32430, legally described as:

A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 10 EAST, MADISON COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30; THENCE SOUTH 89°35'54" EAST ALONG THE NORTH LINE OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 A DISTANCE OF 1550.89 FEET TO A REBAR MARKING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°35'54" EAST ALONG SAID NORTH LINE A DISTANCE OF 380.82 FEET TO A REBAR; THENCE SOUTH 01°39'22" WEST A DISTANCE OF 265.32 FEET TO A REBAR; THENCE SOUTH 81°06'05" EAST A DISTANCE OF 202.02 FEET TO A REBAR ON THE WESTERLY MAINTENANCE LINE OF NE DELPHINIUM DRIVE, AS SHOWN ON THE MAINTENANCE MAP FOR NE DELPHINIUM DRIVE RECORDED IN THE OFFICE OF THE CLERK OF THE COURT FOR MADISON COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY MAINTENANCE LINE THE FOLLOWING COURSES: SOUTH 30°58'13" WEST A DISTANCE OF 29.17 FEET TO A REBAR, THENCE SOUTH 29°30'41" WEST A DISTANCE OF 73.57 FEET TO A REBAR, THENCE SOUTH 30°07'50" WEST A DISTANCE OF 216.21 FEET TO A REBAR, THENCE SOUTH 32°44'16" WEST A DISTANCE OF 116.09 FEET TO A REBAR; THENCE LEAVING SAID WESTERLY MAINTENANCE LINE NORTH 89°35'54" WEST A DISTANCE OF 48.71 FEET TO A REBAR; THENCE NORTH 18°05'19" WEST A DISTANCE OF 238.03 FEET TO A REBAR; THENCE NORTH 66°25'14" WEST A DISTANCE OF 250.94 FEET TO A REBAR, THENCE NORTH 00°24'07" EAST A DISTANCE OF 345.84 FEET TO THE POINT OF BEGINNING. CONTAINING 5.00 ACRES, MORE OR LESS.

SAID LANDS SITUATE, LYING AND BEING IN MADISON COUNTY, FLORIDA.

Parcel ID: 30-2N-10-6052-001-002

And,

Property Address: 855 NE Delphinium Drive, Madison, FL 32430 legally described as:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 10 EAST, MADISON COUNTY, FLORIDA, AND RUN SOUTH 89 DEGREES 35 MINUTES 54 SECONDS EAST 1931.61 FEET TO THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING CONTINUE THENCE SOUTH 89 DEGREES 35 MINUTES 54 SECONDS EAST 381.0 FEET TO THE CENTERLINE OF A GRADED COUNTY ROAD, THENCE SOUTH 29 DEGREES 20 MINUTES 25 SECONDS WEST ALONG SAID

CENTERLINE 340.97 FEET, THENCE LEAVING SAID CENTERLINE RUN NORTH 81 DEGREES 06 MINUTES 05 SECONDS WEST 224.20 FEET, THENCE NORTH 01 DEGREES 39 MINUTES 22 SECONDS EAST 265.32 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT CERTAIN EASEMENT RESERVED BY GRANTOR IN DEED RECORDED IN O.R. BOOK 684, PAGE 158, OF THE PUBLIC RECORDS OF MADISON COUNTY, FLORIDA.

Parcel ID: 30-2N-10-6052-001-002

And

PARCEL 3:

A portion of the Southwest Quarter (SW 1/4) of Section 30, Township 2 North, Range 10 East, Madison County, Florida, being more particularly described as follows:

COMMENCE at the northwest corner of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section 30; thence South 89°35'54" East along the north line of said SW 1/4 of SW 1/4 a distance of 780.00 feet to a rebar marking the POINT OF BEGINNING of the following described property; thence continue South 89°35'54" East along said north line a distance of 770.89 feet to a rebar; thence South 00°24'07" West a distance of 345.84 feet to a rebar; thence South 66°25'14" West a distance of 250.94 feet to a rebar; thence South 18°05'19" East a distance of 238.03 feet to a rebar; thence South 89°35'54" East a distance of 48.71 feet to a rebar on the westerly maintenance line of NE Delphinium Drive as shown on the Maintenance Map for NE Delphinium Drive as recorded in the office of the Clerk of Court for Madison County, Florida; thence along said maintenance line the following courses: South 58°15'36" East a distance of 6.92 feet to a rebar; thence South 34°36'42" West a distance of 717.07 feet to a rebar; thence South 52°27'44" West a distance of 43.35 feet to a rebar; thence South 68°16'45" West a distance of 41.60 feet to a rebar; thence South 89°59'15" West a distance of 50.28 feet to a rebar; thence South 03°18'14" West a distance of 26.21 feet to a rebar; thence North 88°38'03" East a distance of 54.76 feet to a rebar; thence South 36°06'58" East a distance of 6.42 feet to a rebar marking the intersection of said maintenance line with the south line of said Section 30; thence leaving said maintenance line North 89°52'44" West along said south line of Section 30 a distance of 855.25 feet to a rebar; thence North 00°16'12" West a distance of 345.18 feet to a rebar; thence North 89°53'46" West a distance of 210.46 feet to an axle; thence North 00°20'29" West a distance of 729.48 feet to a rebar; thence North 89°35'54" West a distance of 210.00 feet to a rebar on the easterly right of way line of the former railroad right of way; thence North 00°21'00" West a distance of 60.00 feet to a concrete monument; thence South 89°35'54" West a distance of 630.00 feet to a concrete monument; thence North 00°21'00" West a distance of 210.00 feet to the POINT OF BEGINNING.

Containing 40.20 acres, more or less.

Said lands situate, lying and being in Madison County, Florida.

Parcel Identification Number: 30-2N-10-6052-001-002

2. **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. Said sale shall occur on **March 24, 2026 at 11:00 AM**, to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 125 SW Range Avenue, in Madison County in Madison, Florida, in accordance with Section 45.031, Florida Statutes (2013), using the following method:

At are held on the front steps of the Madison County Courthouse, 101 South Range Street, Madison, Florida, beginning at 11:00 AM on the prescribed date.

3. **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, provided, however, that the purchaser of the property for sale shall be responsible for the documentary stamps payable on 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.

4. **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 attorney's fees; fourth, the total sum due to the 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.

5. **Right of Possession.** On 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 and defendant's right of redemption as prescribed by section 45.0315, Florida Statutes (2013) 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.

6. **Attorneys' Fees.** The Court finds, based upon the affidavits/testimony presented and upon inquiry of counsel for the Plaintiff that inasmuch as this case was contested, fees incurred include \$10,875.00 which represents 37.5 hours at \$250.00 an hour + 5 hours at \$300.00 an hour, plus an uncontested flat fee of \$6,600.00, for a total sum of \$16,600.00 in favor of the Rubin Lublin, LLC. in the prosecution of this lawsuit is 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).

7. The Plaintiff may assign the judgment, cause of action and credit bid to any third party by the filing of an Assignment without further order of the court.

8. That the United States of America as a lienholder shall have the right to exercise its Right of Redemption pursuant to Title 28, United States Code, Section 2410 (c), within 120 days from the date of sale. The United States shall not be bound by the sixty day time period imposed by § 45.032, Fla. Stat. upon motions for distribution of surplus proceeds.

9. **Jurisdiction.** Jurisdiction of this action is retained to enter further orders, as are proper, including, without limitation, writs of possession and deficiency judgments. In addition, this court retains jurisdiction to enter any required supplemental complaint(s) such as a re-foreclosure to add a necessary and/or omitted party without the necessity of filing a separate action.

10. **Reformation.** The Court hereby enters this judgment in favor of Plaintiff on the Reformation Count and the subject Mortgage (and subsequent judicial sale) encumbers the parcels listed in Paragraph 1 ("Lien on Property") above.

11. **Reporting on Cross-Collateralized Assets.** The subject loan was cross-collateralized with properties in the State of North Carolina that are now owned by Plaintiff. These properties are commonly known as 270 Love Fox Rd., Burnsville, NC 27814 and 361 Leonard Rd., Louisburg, NC 27546. The Burnsville, NC facility was sold for \$400,000.00 and these sums are credited in the judgment amounts above. Should the Plaintiff sell the Louisburg, NC, facility, within 30 days after the closing, the Plaintiff shall file an Affidavit with the Court stating the sale price of the property and what expenses were incurred when selling the property, including realtor fees and any sums expended for improvement of the property prior to sale. This sum will be deducted from the sale bid for Plaintiff and will reduce the judgment amount by said sums.

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 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 CONTACT THE CLERK OF THE COURT, 125 SW RANGE AVENUE, MADISON, FL (TELEPHONE: (850) 973-1500) 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 THREE RIVERS LEGAL SERVICES, 334 NW LAKE CITY AVENUE, LAKE CITY, FL, (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, 334 NW LAKE CITY AVENUE, LAKE CITY, FL, (386) 752-5960, FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Madison County, Florida, this 6th day of February,

2026.



THE HONORABLE E. BAILEY BROWNING III
PRESIDING JUDGE

SERVICE LIST:

RUBIN LUBLIN, LLC
FLEMAILSERVICE@RLSELAW.COM

ANDREW J. DECKER, III, ESQ.
ATTORNEY FOR TROY & JENNY ENTERPRISES, INC.
ANDY@DECKER.LAW
ANDY.AJDIIIPLLC@GMAIL.COM

BYRON WRIGHT III, ESQ.
ATTORNEY FOR S&S SENIOR HOUSING OF MADISON, LLC
TWRIGHT@BRUNERWRIGHT.COM
MELANIE@BRUNERWRIGHT.COM
LAURA@BRUNERWRIGHT.COM

SCOTT BUSBY, ESQ.
ATTORNEY FOR VICTOR W. MASON AND JAMES R. BAILEY
BUSBY@BUSBYNEGIN.COM
HJA@BUSBYNEGIN.COM

KATHERINE C. KERWIN, ESQ.
ATTORNEY FOR UNITED STATES OF AMERICA DEPARTMENT OF TREASURY
USAFLN.STATE.COURT@USDOJ.GOV
KATHERINE.KERWIN@USDOJ.GOV

STEVE HALL CARPET & TILE, LLC
FLOORING@BELLSOUTH.NET
STATE OF FLORIDA DEPARTMENT OF REVENUE
2450 SHUMARD OAK BLVD
TALLAHASSEE, FL 32399

KENNETH MARK SIMONS
302 W I PKWY
DALLAS, GA 30132

CC: KENNETH MARK SIMONS
1291 GORE LAKES ROAD
DALLAS, G 30132

CC: KENNETH MARK SIMONS
765 DELPHINIUM DRIVE
MADISON, FL 32340

033594/JC