

IN THE CIRCUIT COURT OF THE
THIRD JUDICIAL CIRCUIT IN AND
FOR MADISON COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO. 2021000036CAAXMX

BANK OF AMERICA, N.A.,
Plaintiff,

vs.

THE UNKNOWN HEIRS, BENEFICIARIES,
DEVISEES, GRANTEEES, ASSIGNEES,
LIENORS, CREDITORS, TRUSTEES AND
ALL OTHERS WHO MAY CLAIM AN
INTEREST IN THE ESTATE OF TOBY RAY
EARNHARDT, DECEASED; UNITED
STATES OF AMERICA, ACTING ON
BEHALF OF THE SECRETARY OF
HOUSING AND URBAN DEVELOPMENT;
SONYA RAE GRAVES A/K/A SONYA RAE
EARNHARDT; LORIE COTRELL; 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,
Defendant(s).

SUMMARY FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on May 6, 2026, upon Plaintiff's Motion for Summary Final Judgment of Foreclosure and Taxation of Attorneys' Fees and Costs. On the evidence presented, **IT IS ORDERED AND ADJUDGED** that Final Summary Judgment shall be **GRANTED** in favor of Plaintiff and against all defendants listed by name: UNITED STATES OF AMERICA, ACTING ON BEHALF OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; SONYA RAE GRAVES A/K/A SONYA RAE EARNHARDT; LORIE COTRELL; THE UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, GRANTEEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF TOBY RAY EARNHARDT, DECEASED.

1. **Findings of Fact.** The Court has reviewed the pleadings, Plaintiff's Motion for Summary Final Judgment of Foreclosure and Taxation of Attorney's Fees and Costs and the supporting affidavits Plaintiff provided notice to the parties and there has been no opposition filed to the Motion for Summary Judgment and as such Judgment shall be entered. *Meisels v. Dobrofsky*, 341 So. 3d 1131 (Fla 4th DCA 2022); *see also Fernandez v Foodman*, 388 So. 3d 851 (Fla. 3rd DCA 2023). To establish entitlement to foreclosure, Plaintiff must establish that it is entitled to enforce the promissory note, that the borrower defaulted under the terms of the note and mortgage, and that it properly accelerated the debt to maturity. *U.S. Bank v Engle*, 311 So. 3d 197, 201 (Fla. 2d DCA 2020). On this summary judgment record, the Court concludes that Plaintiff has demonstrated that there is no genuine dispute of material fact regarding the elements of agreement, standing, default, acceleration, and the amounts due. As such, Plaintiff is entitled to judgment as a matter of law.

2. **Amounts Due.** Plaintiff, ONITY LOAN ACQUISITION TRUST 2024-HB2, whose address is c/o Onity Mortgage Corporation f/k/a PHH Mortgage Corporation, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409, is due:

Principal Advances:	\$165,581.53
Interest good through 2/26/2026:	\$73,600.37
Per Diem Interest good through 5/6/2026 (\$46.75 x 69 days):	\$3,225.75
Mortgage Insurance Premiums ("MIP"):	\$9,260.29
Servicing Fees:	\$2,600.00
<u>Corporate Advances:</u>	\$62,094.45
Prop Preserve – Prop Inspections: \$546.80	
Hazard Insurance: \$45,906.70	
Taxes: \$9,786.09	
Title Examination Fees: \$645.81	
Appraisal Fees: \$1,625.00	
Prior Attorneys Fees and Costs: \$3,584.05	
SUBTOTAL	\$316,362.39
<u>Attorneys' Fees:</u>	
Finding as to reasonable number of hours: 5.90	
Finding as to reasonable hourly rate: \$330.00	
Flat Fee: \$5,400.00	
Attendance at Court/Mediation/Motions/Document Preparation: \$2,495.00	
Attorneys' Fee Total:	\$9,842.00
<u>Court Costs, now taxed:</u>	
Filing Fees:	\$937.73
Service of Process:	\$923.00
Lis Pendens:	\$9.00
<u>Other:</u>	\$1148.71
Initial Discovery Disclosures: \$400.00	
Heirs Search: \$193.50	

Skip Trace - PS: \$4.02
Clerk Summons Cost: \$61.19
Mediation Cost: \$490.00

TOTAL SUM **\$329,222.83**

That shall bear interest at a rate of 8.25%.

3. **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:

**SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF
SECTION 19, TOWNSHIP 1 SOUTH, RANGE 9 EAST, LYING
AND BEING IN MADISON COUNTY, FLORIDA**

**Property Address: 1163 S.W. BRYAN EARNHARDT ROAD,
MADISON, FL 32340**

4. **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 the 16th day of July, 2026, no sooner than 60 days from the of this judgment, to the highest bidder for cash, except as prescribed in paragraph 4, at the courthouse located at 125 S.W. RANGE AVE, MADISON, FL 32340 in Madison County, Florida, in accordance with section 45.031, Florida Statutes (2013), using the following method:

the Front Door 125 SW Range Ave., Madison, FL 32340 beginning at 11:00 AM

5. **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.
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 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.
7. **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 (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.

8. **Attorneys' Fees.** The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that the flat fee of \$5,400.00, and fees totaling \$2,495.00 for Attorneys' Attendance at Court/Mediation/Mediator/Motions/Document Preparation, are reasonable and appropriate for the Plaintiff's counsel's attorney's fees. Furthermore, the Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 5.90 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$330.00 is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH PLAINTIFF. The Court finds that there are no reasons for either reduction or enhancement pursuant to *Florida Patient's Compensation Funds v. Rowe*, 472 So. 2d 1145 (Fla. 1985), and the Court therefore has awarded reasonable attorney's fees in the amount indicated in paragraph 1 of this Judgment.
9. **Jurisdiction is further reserved to enter Orders that are proper, including without limitation, writs of possession, and leave to file supplemental and amended pleadings and complaints to add omitted counts and/or parties who may possess an interest in the property and to resolve any disputes with respect to assessments and/or other amount allegedly due associations. The Judgment is in rem only. Plaintiff is not seeking a deficiency or money judgment against any defendant to this action.**

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 LIEN HOLDER 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 the property has qualified for the homestead tax exemption in the most recent approved tax roll, the following paragraphs shall apply:

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, 125 SW RANGE AVENUE, MADISON, FL 32340, WITHIN 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 (JACKSONVILLE AREA LEGAL AID, 126 W. ADAMS STREET, JACKSONVILLE, FL 32202, (904) 356-8371) 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 JACKSONVILLE AREA LEGAL AID FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at MADISON, MADISON COUNTY, FLORIDA this 6th day of May 2026.



ACTING CIRCUIT JUDGE E. BAILEY BROWNING, III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished using the Florida Court's E-Filing E-Portal, via U.S. Mail, and/or Electronic Mail in accordance with the corresponding addresses listed therein, to the following:

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Earnhardt, Sonya Rae Graves a/k/a Sonya Rae
Earnhardt, individually and as personal
representative of the Estate of Toby Ray
Earnhardt, and Lorie Cotrell*

Digitally signed by
Megan Gutshall
Date: 2026.05.06
14:34:59 -04'00'

Copies Delivered By: Megan Gutshall
Case Manager