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IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

CASE NO. 98-17729 (11)

**PARTIAL SUMMARY JUDGMENT
OF FORECLOSURE**

MARY HELEN FRANCO,
Plaintiff,

v.

BAMCO 441, INC.,
BERNIE MANGNITZ,
KATHLEEN MANGNITZ,
CARL G. SANTANGELO,
OLGA W. SANTANGELO, and
PARAMOUNT/BAMCO SERVICE
STATION II, LIMITED PARTNERSHIP,

Defendants.

THIS CAUSE came on to be considered by the Court upon the Plaintiff's MOTION FOR PARTIAL SUMMARY JUDGMENT: MORTGAGE FORECLOSURE pertaining to Counts I and II only, and the Court having reviewed the MOTION and the several affidavits submitted in support thereof and the pleadings filed in this action and being advised that the several Defendants have stipulated to the entry of this PARTIAL SUMMARY JUDGMENT OF FORECLOSURE and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED:

1. That this Court has jurisdiction of the subject matter of this action and over the parties hereto.

2. That there is due and owing to the Plaintiff, MARY HELEN FRANCO, from the Defendant, BAMCO 441, INC., as Maker, the

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COMMISSIONER BROWARD COUNTY DEPUTY CLERK 1936

following principal, interest, costs and expenses, which are hereinafter collectively referred to as (the "Total Indebtedness"):

A.	Principal	\$500,000.00
B.	Interest at 10% on principal from September 1, 1998 through August 31, 1999	\$ 50,000.00
C.	Per diem interest of \$136.99 from September 1, 1999 through October 19, 1999 (49 days @ \$136.99 per diem)	\$ 6,712.51
D.	Filing Fee	\$ 200.00
E.	Service of Process	\$ 400.00
F.	Title Information Searches	\$ 126.00
	SUBTOTAL	\$557,438.51
G.	Attorney's fees awarded	<u>\$ 2,500.00</u>
	TOTAL INDEBTEDNESS	\$559,938.51

3. For the payment of the Total Indebtedness mentioned in Paragraph 2 hereof, and for any costs and expenses incurred by the Plaintiff prior to sale, and for interest at the statutory rate on the Total Indebtedness from the date of this Final Judgment to the date of sale, Plaintiff has a lien upon the real property covered and encumbered by the mortgage herein being foreclosed, which lien is superior in dignity to any right, title, interest or claim of the Defendants, BAMCO 441, INC., BERNIE MANGNITZ, KATHLEEN MANGNITZ, CARL G. SANTANGELO, OLGA W. SANTANGELO and PARAMOUNT/BAMCO SERVICE STATION II, LIMITED PARTNERSHIP, and if said Total Indebtedness, along with interest and any additional costs are not paid in full by 5:00 P.M. January 31, 2000, the real property which is described in, and which is subject to, the lien of said mortgage, that is to say:

Lots 9 and 10, Block 3, FLORAL HEIGHTS, according to the Plat thereof recorded in Plat Book 28, Page 5 of the Public Records of Broward County, Florida; Less therefrom a portion of Lots 9 and 10 in Block 3 of "FLORAL HEIGHTS" according to the Plat thereof as recorded in Plat Book 28 at Page 5 of the Public Records of Broward County, Florida, being more particularly described as follows: distance of 5.00 feet to a point; thence run south for a distance of 90.00 feet to a point; thence run S45°00'00 E for a distance of 35.36 feet to a point; thence run west along the south line of said Lot 10 for a distance of 30.00 of 115.00 feet to the point of beginning.

shall be sold by the Clerk of this Court to the highest and best bidder for cash at the hour of eleven o' clock A.M. on the 1st day of February, 2000 at the front door of the Broward County Courthouse in Fort Lauderdale, Florida, after having given public notice of such sale as provided by statute.

4. 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 Indebtedness, together with the additional interest and costs accruing subsequent to this Partial Summary Judgment, or such part of the Total Indebtedness, as is necessary to pay the bid in full.

5. After confirmation of the sale of the property, whether such confirmation be by the Clerk filing the Certificate of Title as required by statute, or by Order of the Court, the Clerk shall pay:

(a) The fee of \$40.00 to the Clerk for his services, as provided by statute.

(b) The state documentary stamps to be affixed to the Certificate of Title.

(c) The Total Indebtedness owing to the Plaintiff, plus any additional costs that may be incurred by the Plaintiff pursuant to Paragraph 4, together with interest on the Total Indebtedness at the legal statutory rate from the date of this Partial Summary Judgment through the date of the sale.

(d) If the amount realized at the sale shall not be sufficient to pay in full the Total Indebtedness owing to the Plaintiff, including any additional costs of the sale and the post-judgment interest accruing on the Total Indebtedness, the Plaintiff shall report the amount of the deficiency to this Court.

6. After confirmation of the sale, whether by the Clerk filing his Certificate of Title or by the Court, the several Defendants, BAMCO 441, INC., BERNIE MANGNITZ, KATHLEEN MANGNITZ, CARL G. SANTANGELO, OLGA W. SANTANGELO, and BAMCO/PARAMOUNT SERVICE STATION II, LIMITED PARTNERSHIP, and of all persons claiming any right, title or interest in and to said property by or through any of these Defendants since the commencement of this suit, are severally barred and foreclosed of and from any and all right, title, interest, claim, property, possession, or demand in or to the property, and the purchaser at the sale and the purchaser's grantees and/or agents shall be let into, and be given possession of, the real property foreclosed herein, and upon the furnishing and substitution of a photocopy of the original Promissory Note and Mortgage, the Clerk is authorized and directed to withdraw and