

**IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR SUMTER COUNTY, FLORIDA**

**SUMTER COUNTY BOARD OF
COMMISSIONERS**, a political subdivision
of the State of Florida,

Plaintiff,

v.

CASE NO.: 2020-CC-000959

**THE ESTATE OF GARY W. SANDERS;
THE UNKNOWN SPOUSE OF GARY W.
SANDERS; UNKNOWN TENANT OR
TENANTS IN POSSESSION N/K/A
CHEYCE GARY DAVID SANDERS,
KASSIDY SANDERS, DIANE HALL,
KATHLENE MORENO, AUNDREA
BALDWIN, AND ENRIQUE CHAVEZ,
ALL OTHER PARTIES OCCUPYING OR
IN POSSESSION; if the above Defendants are
alive and if one or more of said Defendants are
dead, their unknown spouses, heirs, devisees,
assignees, grantees, creditors, or other parties
claiming by, through, under or against said
defendants, and all unknown parties claiming
interests by, through, under or against a named
defendant to this action, or having or claiming
to have any right, title or interest in the property
herein described, sued herein as **JOHN DOE.****

Defendants.

_____ /

ORDER FOR FINAL DEFAULT JUDGMENT

THIS CAUSE coming to be heard on the Plaintiff's Motion for Final Default Judgement, and it appearing to the Court that Plaintiff filed a complaint in the above-styled cause against Defendants, **THE ESTATE OF GARY W. SANDERS; THE UNKNOWN SPOUSE OF GARY W. SANDERS; UNKNOWN TENANT OR TENANTS IN POSSESSION N/K/A CHEYCE GARY DAVID SANDERS, KASSIDY SANDERS, DIANE HALL, KATHLENE MORENO, AUNDREA BALDWIN, AND ENRIQUE CHAVEZ, ALL OTHER PARTIES**

OCCUPYING OR IN POSSESSION; if the above Defendants are alive and if one or more of said Defendants are dead, their unknown spouses, heirs, devisees, assignees, grantees, creditors, or other parties claiming by, through, under or against said defendants, and all unknown parties claiming interests by, through, under or against a named defendant to this action, or having or claiming to have any right, title or interest in the property herein described, sued herein as **JOHN DOE**, and the Court having reviewed the file and otherwise being fully advised on the premises, finds that:

1. Defendants were properly served with the Summons and a copy of the Complaint on February 4, 2021.

2. Defendant, **CHEYCE GARY DAVID SANDERS** filed an Answer to the Complaint that indirectly responded to the Complaint, but did not respond to each specific paragraph of the Complaint as specifically required by Fla. R. Civ. P. 1.140. The letter did not ask for more time to respond to the Complaint, but instead only requested an “extension to get it clean and find someone to haul things to the dump.”

3. The time period to file an Answer expired on or about February 21, 2021. The Court docket does not reflect an Answer or any direct response to the Complaint was filed by the Defendants, nor has the Plaintiff’s law firm received any Answer or paper responding to the Complaint.

4. The Plaintiff filed a Motion for Judicial Default against the Defendants for failure to file an Answer. The Court entered an Order granting Plaintiff’s Motion for Judicial Default on May 2, 2023 for the failure of Defendants to respond to the Complaint as required by Fla. R. Civ. P. 1.140.

5. Furthermore, the Court finds that Plaintiff has a valid and enforceable lien, recorded in Official Records Book 3383, Page 405 of the Public Records of Sumter County, Florida based on a code enforcement action that met all of the due process notice requirements to establish such a lien.

6. The property located at 13761 CR 739, Webster, Florida 33597, more particularly described as BEGIN 50 FEET SOUTH AND 3D FEET EAST OF THE NW CORNER OF THE SE 1/4 OF THE SW 1/4, SECTION 24, TOWNSHIP 22 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, RUN SOUTH 100 FEET, EAST 210 FEET, NORTH 100 FEET, WEST 210 FEET TO THE POINT OF BEGINNING, remains in non-compliance with the Sumter County Code of Ordiances.

7. Accrued fines, as provided for the Plaintiff's lien amount to \$50,250.00. Plaintiff has incurred staff and administrative costs in the amount of \$842.71; and

8. Plaintiff has incurred attorney's fees and costs in bringing this action.

It is therefore:

ORDERED AND ADJUDGED that the Plaintiff, **SUMTER COUNTY BOARD OF COMMISSIONERS**, a political subdivision of the State of Florida, whose address is 7375 Powell Road, Wildwood, Florida 34785, is awarded a Final Default Judgment of Foreclosure against the Defendants set forth as follows:

1. The total amount due to Plaintiff as of August 1, 2023 is \$55,145.71, derived as follows:
 - a. Amount due for the fine on the lien: \$50,250.00
 - b. Administrative costs due on the lien: \$841.72
 - c. Litigation costs in the amount of: \$669.99
 - d. Attorney's fees in the amount of: \$3,384.00
 - e. Plus accrued interest at the statutory rate from the date of this Order.

2. Plaintiff holds a lien for the total sum described above, including interest, which is superior to any right, title, interest, claim, or estate of defendants, or any of them, in and to the non-homestead property described as:

BEGIN 50 FEET SOUTH AND 30 FEET EAST OF THE NW CORNER OF THE SE 1/4 OF THE SW 1/4, SECTION 24, TOWNSHIP 22 SOUTH, RANGE 22 EAST, SUMTER COUNTY, FLORIDA, RUN SOUTH 100 FEET, EAST 210 FEET, NORTH 100 FEET, WEST 210 FEET TO THE POINT OF BEGINNING, WITH AN ADDRESS OF 13761 CR 739, WEBSTER, FLORIDA 33597, AND REFERENCED AS PARCEL ID: S24-032 BY THE SUMTER COUNTY PROPERTY APPRAISER.

3. If the total sum and all costs accrued subsequent to this judgment are not paid, the clerk of this court shall sell the property at public sale on September 14, 2023 at 10:00 a.m., in Courtroom F, to the highest bidder for cash, except as prescribed in Paragraph 5, in accordance with Section 45.031, Florida Statutes.

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 sum with interest and cost accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full.

5. 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 attorney's 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 orders of this Court.

6. On filing the Certificate of Title, Defendants and all persons claiming under or against Defendants since the filing of the Notice of Lis Pendens shall be foreclosed on all estate or claim in the property and the purchaser at the sale shall be let into possession of the property.

7. Jurisdiction of this action is retained to enter further orders that are proper including, without limitation, writs of possession and deficiency judgment, except as otherwise provided herein.

8. If this property is sold at a public auction, there may be additional money from the sale after the 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, 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, Sumter County, Florida, 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.

9. **It is further ORDERED and ADJUDGED** that within 5 days from the date of e-service of this Order/Judgment, the attorney submitting this Order/Judgment shall furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, first class, postage paid; and, file a certificate signed by that attorney that delivery of this Order/Judgment has been made as set forth herein.

DONE AND ORDERED in Chambers at Bushnell, Sumter County, Florida this 11 day of August, 2023.



THE HONORABLE PAUL L. MILITELLO
COUNTY COURT JUDGE