

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

PNC BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

Case No. 5:15-cv-162-Oc-30PRL

JOSHUA W. SCROGGIE, as Trustee under
Land Trust Agreement dated May 12, 2005,
MICHAEL T. OWEN, an individual, and
J. STEVE RUDNIANYN, an individual,

Defendants.

**WRIT OF POSSESSION AND
ORDER ON MOTION TO CONFIRM FORECLOSURE SALE**

THIS CAUSE comes before the Court upon Assignee Land Holding, LLC's Unopposed Motion to Confirm Foreclosure Sale (Doc. 29).

Upon due consideration, it is hereby **ORDERED AND ADJUDGED:**

1. Assignee Land Holding, LLC's Unopposed Motion to Confirm Foreclosure Sale (Doc. 29) is GRANTED.
2. The foreclosure sale conducted on April 12, 2016, in this action is CONFIRMED.
3. The court-appointed Special Master, Philip J. von Kahle, is directed to convey the Property, as defined in the Final Judgment of Foreclosure (Doc. 20) and the Motion (Doc. 29), to Land Holding, LLC, by a Certificate of Title in the form attached to the Motion as **Exhibit 1**, which shall be filed and recorded in the Official Records of


Marion County, Florida, with the same legal effect as a Certificate of Title pursuant to Section 45.011, Fla. Stat., et seq.

4. Land Holding, LLC, its successors and assigns, shall be let into exclusive possession of the Property.

5. This Order constitutes a writ of possession enforceable by the United States Marshal and/or state law enforcement officers, if necessary.

6. Jurisdiction is reserved for one year to enter such orders as are necessary and proper, including a judgment of re-foreclosure.

DONE and **ORDERED** in Tampa, Florida, this 1st day of June, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

EXHIBIT 1

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

PNC BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

Case No. 5:15-cv-00162-JSM-PRL

JOSHUA W. SCROGGIE, as Trustee under
Land Trust Agreement dated May 12, 2005,
MICHAEL T. OWEN, an individual, and
J. STEVE RUDNIANYN, an individual,

Defendants.

CERTIFICATE OF TITLE

KNOW ALL MEN BY THESE PRESENTS that Philip J. von Kahle, was appointed as Special Master in the United States District Court, Middle District of Florida, Ocala Division, in this action with Case Number 5:15-CV-00162-JSM-PRL (the "Action"), and that as such Special Master and pursuant to the Final Judgment entered in the Action on February 23, 2016 (the "Final Judgment"), and the Order Appointing Master to Conduct Foreclosure Sale entered on February 23, 2016 (the "Order"), notice of public sale of the mortgaged property described in the aforesaid Judgment as the "Property" was given in accordance with Title 28, United States Code, Section 2002, by publishing the same in a newspaper circulated in Marion County, Florida, in that judicial district, in a manner evidenced by a Proof of Publication filed in the Action, and the aforesaid Property was offered for sale at public sale to the highest and best bidder for cash on April 12, 2016, and that at such sale the highest and best bid received for the property was submitted by Land Holding, LLC, a Delaware limited liability company, whose address is 249 Fifth Avenue, Pittsburgh, PA 15222-2707, being the sum of \$350,000.00, thereupon accepted such bid and sold the Property to Land Holding, LLC, and have reported the same to the Court which, upon examination of the Special Master's Report of Sale, the Court found to be correct and in accordance with the Judgment and Order, thereupon confirmed the same by entry of its Order on Motion to Confirm Foreclosure Sale filed the Action on _____ (the "Order Confirming Sale").

NOW, THEREFORE, I, Philip J. von Kahle, Special Master, by virtue of the Judgment and Order, and by virtue of the sale and confirmation thereof by the Order Confirming Sale and of the powers vested in me as Special Master by that Court, and for and in consideration of the premises and the aforesaid sum paid by the purchaser, in accordance with the terms of the Judgment, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to **LAND HOLDING, LLC, a Delaware limited liability company**, whose address is 249 Fifth Avenue, Pittsburgh, PA 15222-2707, its successors and assigns forever, the following described real property,

situate and being in Marion County, Florida, together with all fixtures located on or in such property, to-wit:

1.1 All of the land in Marion County, Florida, described below:

PARCEL #24241-000-00

SEC 02 TWP 15 RGE 22

**THAT PART OF THE FOL DESCR LYING OUTSIDE CITY LIMITS:
E 1/2 OF NW 1/4 & N 1/2 OF SW 1/4 & EXC COM CENTER SEC FOR
POB S 200 FT E 848.57 FT S 45 DEG 11' 10" E 1587.47 FT N 1324.63 FT W
1973.07 FT TO POB & EX W 500 FT OF NW 1/4 OF SW 1/4 LYING N OF
FPL R/W EX S 400 FT OF N 1/2 OF SW 1/4 N & W OF RR & EX E 1/2 OF
NW 1/4 E OF RR & EX COM INT S 400 FT OF N 1/2 OF SW 1/4 & E ROW
NE 36TH AVE TH B 210 FT E 416 FT S 210 FT W 416.93 FT TO POB**

PARCEL #24241-000-01

SEC 02 TWP 15 RGE 22

**THAT PART OF PARCEL NO. 24241-000-00 LYING INSIDE CITY
LIMITS:
EXC BEG AT NW COR OF BLK A LOT 2 TH N 30-55 W 200 FT TH N 89-
46-05 E 217.80 FT TH S 0-30-55 E 200 FT TH S 89-46-05 W 217.80 FT TO
POB & EXC COM AT THE SE COR OF SW 1/4 OF SEC 2 TH N 00-06-29
E 1245.21 FT TO THE POB TH N 68-48-13 W 712.74 FT TO A PT BEING
ON THE ARC OF A CURVE CONCAVE NWLY HAVING A RADIUS OF
1949.39 FT A CENTRAL ANGLE OF 06-44-21 TH NELY ALONG THE
ARC 229.29 FT TH S 68-48-13 E 523.75 FT TH S 00-06-29 W 214.36 FT TO
POB & EXC COM AT SW COR OF SE 1/4 OF SEC 2 TH N 00-05-59 W 25
FT TH N 89-36-23 E 200 FT TO THE POB TH N 89-36-23 E 459.31 FT TH
N 00-05-42 W 1299.57 FT TH N 89-37-24 E 1316.25 FT TH N 45-14-16 W
1588.03 FT TH S 89-42-02 W 824.09 FT TO A PT BEING ON THE ARC OF
CURVE BEING CONCAVE NWLY HAVING A RADIUS OF 1949.39 FT A
CENTRAL ANGLE OF 28-19-57 TH SWLY ALONG THE ARC OF
CURVE 963.96 FT TH S 69-00-41 E 523.75 FT TH S 00-05-59 W 134.45 FT
TH N 89-37-24 E 200 FT TH S 00-05-37 E 1299.70 FT TO THE POB & EXC
BEGIN AT THE NE COR OF LOT 2 BLK A RUFF SUB (V-70) TH N 89-
45-12 W 199.36 FT TH N 00-00-27 W 200 FT TH N 89-45-12 W 212.80 FT
TH N 00-00-27 W 230.38 FT TH S 68-35-03 E 1773.29 FT TH N 89-45-12 W
1238.63 FT TH N 00-00-27 W 210 FT TO THE POB.**

**MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE S.W. CORNER OF THE N.W. 1/4 OF SECTION 2,
TOWNSHIP 15 SOUTH, RANGE 22 EAST; THENCE N.89°26'59"E.,
ALONG THE SOUTH BOUNDARY OF SAID N.W. 1/4, 500.55 FEET TO
THE POINT OF BEGINNING. THENCE CONTINUE N.89°26'59"E.,**

ALONG SAID SOUTH BOUNDARY, 824.42 FEET TO A POINT ON THE WEST BOUNDARY OF THE EAST 1/2 OF SAID N.W. 1/4; THENCE N.00°10'39"W., ALONG SAID WEST BOUNDARY, 2690.17 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.E. 35TH STREET (60 FEET WIDE); THENCE N.89°45'30"E., ALONG SAID SOUTH RIGHT OF WAY LINE, 752.66 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SEABOARD COASTLINE RAILROAD (100 FEET WIDE); THENCE S.17°14'07"E., ALONG SAID WESTERLY RIGHT OF WAY LINE, 1797.72 FEET TO THE POINT OF CURVATURE OF A 1849.98 FOOT RADIUS CURVE, CONCAVE WESTERLY, HAVING A CHORD BEARING AND DISTANCE OF S.14°41'46"W. 1956.92 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 63°51'46", A DISTANCE OF 2062.02 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF "NE 36TH AVENUE INDUSTRIAL PARK" AS RECORDED IN PLAT BOOK 'T', PAGE 24 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE S.89°46'05"W., ALONG SAID NORTH BOUNDARY, 415.00 FEET TO A POINT ON THE CENTERLINE OF A 200 FOOT FLORIDA POWER CORPORATION RIGHT OF WAY; THENCE N.69°04'56"W., ALONG SAID CENTERLINE, 1774.69 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N.E. 36TH AVENUE; THENCE N.00°32'33"W., ALONG SAID EAST RIGHT OF WAY LINE, 104.80 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, S.69°10'15"E., 504.12 FEET; THENCE N.00°23'02"W., 351.19 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING SITUATE IN MARION COUNTY, FLORIDA.

together with each and every tenement, hereditament, easement, right, power, privilege, immunity and appurtenance thereunto belonging or in anywise appertaining, and any and all reversions, remainders, estates, rights, title, interests and claims of any Mortgagor whatsoever in law as well as in equity in and to all or any part of the foregoing (the "Lands"), and any and all buildings and other improvements now or hereafter located on any part thereof (the "Improvements"):

1.2 All fixtures now or hereafter located on the Lands or affixed to the Improvements (the "Fixtures");

1.3 All insurance policies maintained with respect to any of the foregoing, including all proceeds thereof and any rights to any refund of premiums thereunder

1.4 All rents, profits, issues, leases and revenues of any of the foregoing from time to time accruing, whether under leases or tenancies now existing or hereafter created, together with all leases and rights under leases; provided however that permission is hereby given to Mortgagor, so long as

there is no default hereunder, to collect, receive and use current rents no more than 30 days in advance;

1.5 All judgments, awards of damages, and settlements hereafter made resulting from condemnation proceedings or the taking of any of the foregoing or any part thereof or of any right or privilege accruing thereto, including without limitation any and all payments from voluntary sale in lieu of condemnation of the exercise of eminent domain;

1.6 All proceeds, products and replacements of or accessions to any of the foregoing.

TO HAVE AND TO HOLD the aforesaid property to **LAND HOLDING, LLC**, assigns forever, by virtue of the Judgment, Order and sale and confirmation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 2016.

Witness: _____

Name: _____

Witness: _____

Name: _____

Philip J. von Kahle

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Philip J. von Kahle, as Special Master, () who is personally known to me or () who did produce _____ as identification.

Name: _____
Notary Public, State of _____
Commission No.: _____
My commission expires: _____