

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

**BMO HARRIS BANK NATIONAL
ASSOCIATION,**

Plaintiff/Counter Defendant,

-vs-

Case No. 6:11-cv-363-Orl-31GJK

**MUSKOGEE INDUSTRIAL PARK, LLC;
MARCOS MARCHENA; CARLOS A.
RIVERO; KEITH A. GRAHAM; and JOSE
A. REY,**

Defendants/Counter

Claimants.

FINAL JUDGMENT OF FORECLOSURE

This matter came before the Court for consideration of the Agreed Motion for Entry of Final Judgment (Doc. 70). Upon due consideration, it is

ORDERED AND ADJUDGED that

1. Plaintiff, BMO HARRIS BANK, N.A., 640 E. S.R. 434, Longwood, FL 32750, is due from Muskogee Industrial Park, LLC, the following amounts as of February 14, 2012:

Principal	\$3,177,371.20
Interest to date of this judgment	\$ 625,056.73
TOTAL	<u>\$3,802,427.93</u>

that shall bear interest at the statutory rate.

2. Plaintiff holds a lien for the total sum superior to all claims or estates of Muskogee Industrial Park, LLC and those claiming under or against it, on the following described property in Orange County, Florida described in attached Exhibit A.

3. 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 Monday, April 9, 2012 to the highest bidder for cash, except as prescribed in paragraph 4, at the Orange County Courthouse, located at 425 N. Orange Avenue in Orange County in Orlando, Florida, in accordance with section 45.031, Florida Statutes. The sale will be conducted on the front steps of the courthouse, beginning at 11:00 a.m.

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, 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.

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 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.

6. On filing the certificate of sale, Muskogee Industrial Park 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, 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. If Muskogee Industrial Park LLC or anyone claiming under or against defendants remains in possession of the property, the clerk shall without further order of the court issue forthwith a writ of possession upon request of the person named on the certificate of title.

7. Plaintiff's action against Marcos Marchena, Carlos A Rivero, Keith A Graham, and Jose A Rey is dismissed and Defendants shall recover nothing on their counterclaim.

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 THE 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 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

DONE and ORDERED in Chambers, Orlando, Florida on March 12, 2012.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party