

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

**HANCOCK BANK, a
Mississippi banking corporation,**

Plaintiff,

vs.

**Case No.: 5:11-cv-00094/RS-CJK
CONSOLIDATED**

**BOYD BROTHERS, INC.,
a Florida corporation, JAMES
A. BOYD, SR., NANCY G. BOYD,
JAMES A. BOYD, JR., and
CECELIA R. BOYD,**

Defendants.

FINAL JUDGMENT

Plaintiff's Motion for Summary Judgment has previously been granted. (*See* Doc. 94). Final Judgment is entered in favor of the Plaintiff as follows:

1. Defendants, JAMES A. BOYD, SR., NANCY G. BOYD, JAMES A. BOYD, JR., and CECILIA R. BOYD¹ are indebted, jointly and severally, to the Plaintiff, HANCOCK BANK, for the following sums:

¹Although Plaintiff inadvertently misspelled Mrs. Boyd's name in the complaints and above-styled caption as "Cecelia," the loan documents attached to the complaints were executed by Cecilia R. Boyd. Where there is a conflict between the allegations in the complaint and the exhibits attached to the same, the latter control. *See Crenshaw v. Lister*, 556 F. 3d 1283, 1292 (11th Cir. 2009). Accordingly, the inadvertent misspelling of Mrs. Boyd's name does not affect the validity of this Final Judgment because the

The First Boyd Brothers Loan (5:11-cv-00094-RS-CJK)²

PRINCIPAL:	\$76,585.34
INTEREST:	\$10,189.90
LATE CHARGES:	\$171.89
TOTAL:	\$86,947.13

The Second Boyd Brothers Loan (5:11-cv-00095-RS-GRJ)

PRINCIPAL:	\$393,648.96
INTEREST:	\$21,847.57
LATE CHARGES:	\$302.62
APPRAISAL FEE:	\$400
TOTAL:	\$416,199.15

The Third Boyd Brothers Loan (5:11-cv-00097-RS-CJK)

PRINCIPAL:	\$1,000,000.00
INTEREST:	\$55,500.00
LATE CHARGES:	\$687.50
TOTAL:	\$1,056,187.50

The Fourth Boyd Brothers Loan (5:11-cv-00098-RS-CJK)

subject promissory notes were executed by Cecilia R. Boyd who is properly before this Court.

²Given that this consolidated action involves five separate commercial loans, each of which was the subject of a separate action prior to consolidation, the original case numbers for each individual loan are identified for clarity.

PRINCIPAL:	\$1,548,039.30
INTEREST:	\$85,916.12
LATE CHARGES:	\$1,190.05
TOTAL:	\$1,635,145.47

The Letter of Credit Loan (5:11-cv-00096-RS-CJK)

PRINCIPAL:	\$449,220.61
INTEREST:	\$32,463.47
LATE CHARGES:	\$564.26
TOTAL:	\$482,248.34

TOTAL AMOUNTS OWED

PRINCIPAL:	\$3,467,494.21
INTEREST:	\$205,917.06
LATE CHARGES/FEES:	\$3,316.32
TOTAL:	\$3,676,727.59

2. Plaintiff, HANCOCK BANK, 2510 14th Street, Gulfport, Mississippi 35901, shall have a judgment in the amount of **\$3,676,727.59** against Defendants, JAMES A BOYD, SR., and NANCY G. BOYD, whose last known address is 3313 Harbour Place, Panama City, Florida, 32405, and against Defendants, JAMES A. BOYD, JR. and CECILIA R. BOYD, whose last known address is 206 S. Harris Avenue, Panama

City, Florida, 32401, jointly and severally, FOR ALL OF WHICH LET EXECUTION ISSUE.

3. Plaintiff, HANCOCK BANK, shall be entitled to recover post-judgment interest at the legal rate established by 28 U.S.C. § 1961 from the date of the judgment until paid.

4. Plaintiff, HANCOCK BANK, shall be entitled to recover its reasonable attorney's fees and costs incurred in the prosecution of this action, pursuant to the terms and conditions of the subject loan documents attached to the complaints. This Court retains jurisdiction over this matter for the purpose of determining a reasonable amount of attorney's fees and costs to award to Plaintiff as the prevailing party in this action.

5. This Order does not affect Defendant Boyd Brothers Inc.

ORDERED on January 5, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE