

IN THE CIRCUIT COURT OF THE
FIRST JUDICIAL CIRCUIT IN AND
FOR ESCAMBIA COUNTY, FLORIDA

WELLS FARGO BANK, N.A., AS
TRUSTEE FOR THE REGISTERED
HOLDERS OF LB-UBS COMMERCIAL
MORTGAGE TRUST 2004-C2,
COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2004-C2,

Case No.: 2009-CA-002863

Plaintiff,

v.

LCG CREIGHTON, LLC, a Florida
limited liability company, SCOTT
DAVISON, an individual, STATE OF
FLORIDA DEPARTMENT OF
REVENUE, UNKNOWN TENANT(S)
IN POSSESSION, and ALL OTHER
UNKNOWN PARTIES, including all
claimants, persons or parties, natural or
corporate, or whose legal status is
unknown, claiming under any of the
above named or described Defendants,

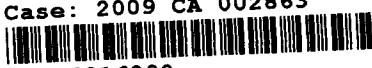
Defendants.

ERNIE LEE MAGAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL
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CIRCUIT COURT
ESCAMBIA COUNTY, FLORIDA

FINAL JUDGMENT OF FORECLOSURE

THIS CAUSE, having come before the Court upon the Court's Order to Show Cause and
the Defendants, LCG CREIGHTON, LLC, a Florida limited liability company ("LCG
CREIGHTON"), SCOTT DAVISON, an individual, STATE OF FLORIDA DEPARTMENT OF
REVENUE, UNKNOWN TENANT(S) IN POSSESSION, and ALL OTHER UNKNOWN
PARTIES (collectively, the "Defendants"), having failed to show cause why Final Judgment

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should not be entered and the Court having heard argument in the matter and being otherwise fully advised in the premises, it is therefore

ORDERED AND ADJUDGED:

1. LCG CREIGHTON have defaulted under the Loan Documents, as defined in the Verified Complaint, by failing to pay the monthly installment payment due on June 11, 2009, and each and every month thereafter.

2. LCG CREIGHTON is the record title holder of the Property more particularly described in the loan documents.

3. WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF LB-UBS COMMERCIAL MORTGAGE TRUST 2004-C2, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-C2 ("Plaintiff") is the owner and holder of the loan documents and is entitled to exercise all rights granted therein.

4. Due and legal service of process has been had upon LCG CREIGHTON, and this Court has jurisdiction over the parties to this cause and the subject matter herein.

5. There is now due and owing to Plaintiff from LCG CREIGHTON on the Note and Mortgage sued upon the following sums:

Remaining Principal Balance:	\$ 3,221,008.01
Accrued but unpaid interest (5.94% from 7/11/09 to 12/10/09, per diem of \$528.57 thereafter)	\$ 81,399.78
Accrued but unpaid default interest (3.0% for 123 days, per diem of \$268.42 after 12/10/09)	\$ 32,747.24
Protective Advances	\$ 10,978.73

Late Charges	\$	6,221.18
Attorney's fees and costs:	\$	<u>16,986.27</u>
Total:	\$	<u>3,369,341.21</u>

6. In determining reasonable attorneys' fees to be awarded herein, the Court has considered the factors set forth in *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985), and has reviewed the hourly rates and the amounts of time expended by the Plaintiff's attorneys and finds that the Plaintiff's attorneys have reasonably expended 45 hours on this litigation and that \$225-\$450 per hour is a reasonable rate. The Court therefore determines that the lodestar figure to be awarded for the services of Plaintiff's attorneys in this action is the sum of **\$13,650.00**.

7. Plaintiff holds a lien for the total sum specified in paragraph 5 above, superior in dignity to any right, title, interest or claim of the Defendants herein upon the Property herein foreclosed.

8. If the aforesaid total sum due Plaintiff plus interest thereon at the rate prescribed by law and all costs of this proceeding incurred subsequent to the date of this Judgment are not paid, at any time prior to the sale of the above-described property, then the Property shall be sold by the Clerk of Court to the highest bidder for cash at public sale, free and clear of all right, title, interest, claim, lien, encumbrance, remainder, reversion, homestead, dower, or equity of redemption whatsoever of the Defendants and all persons, firms, corporations or other entities claiming interest in the Property subsequent to the filing of the Notice of Lis Pendens.

9. The sale of the Property shall be held by the Clerk of this Court who will sell at public auction to the highest bidder in cash in Room 2nd floor Westside lobby, of the M.C. Blanchard Judicial Building, 190 Governmental Center, Pensacola, Florida, 32502, at the hour of 11:00 a.m. p.m. on the 1st day of February 2010, after publication of notice thereof as required by section 45.031, Fla. Stat. (2006) and promptly after such sale, the Clerk shall complete and file in this proceeding a Certificate of Sale as provided by law.

10. 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 at sale. If Plaintiff shall be the purchaser at the sale, the Clerk shall credit the bid of Plaintiff with a total sum herein found to be due Plaintiff, together with interest and costs accruing subsequent to this Judgment or such part thereof as may be necessary to pay in full the bid of Plaintiff.

11. The sale of the Property shall not take place unless a representative of Plaintiff is present at the sale. If Plaintiff's representative is not present at the sale, the sale shall be canceled by the Clerk of the Court. Plaintiff shall thereafter secure a new sale date. If the sale does take place without Plaintiff's representative being present, the sale shall be null and void and title to the Property shall not pass to the purchaser at said sale.

12. In the event the highest bidder at the foreclosure sale is unable to make the requisite deposit or the final payment within the prescribed period of time, under section 45.031, Fla. Stat., the Clerk shall accept the next highest bid as the successful high bid, immediately notify that party who shall then have until 5:00 p.m. on that day to deliver the final payment in the manner prescribed by statute. If the next highest bidder does not deliver the proceeds in the matter required by statute on or before 5:00 p.m. that day, the Clerk shall notify the next highest

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bidder who has not already failed to make payment in connection with this process and shall continue this process until such time as a bidder pays the requisite amount or until Plaintiff is determined to be the successful bidder, at which time the Clerk shall complete and file a Certificate of Sale in the manner provided by law.

13. On filing the Certificate of Sale, the Defendants and all persons, corporations or entities claiming, by, through, under or against the Defendants, and all persons, corporations or entities claiming any interest in said real and other property and fixtures subsequent to the filing of the Notice of Lis Pendens in this cause, shall be foreclosed of all estate, claim, right or interest in the Property, and on the filing of the Certificate of Title the purchaser at the sale shall be let into possession of the Property.

14. After confirmation of the sale, whether confirmation is by the Clerk filing the Certificate of Title or by Order of this Court ruling upon objections to that sale, the Clerk shall make distribution of the proceeds of the sale by paying the following:

a. All costs and expenses of these proceedings and subsequent to the entry of this Judgment including costs of publishing the Notice of Sale and the Clerk's fee for making the sale;

b. The costs of the documentary stamps affixed to the Certificate of Sale if Plaintiff is the successful bidder. Otherwise, the purchaser shall pay all documentary stamps;

c. Any fee allowed to Plaintiff's attorneys; and

d. The total sum herein found to be due Plaintiff, less the items paid, plus interest on the amount of this Judgment from this date to the date of sale at the rate prescribed by law.

15. If the total amount realized at the sale exceeds the total of the sums ordered to be paid, the Clerk shall disburse the surplus as this Court shall hereafter direct. If the total amount realized shall not be sufficient to pay all these sums, the Clerk shall pay first those sums specified and shall pay the balance to Plaintiff.

16. Pursuant to section 45.031(1)(a), Fla. Stat. (2006):

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 THIS 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.

17. The Clerk, on the request of the purchaser at foreclosure sale, shall issue a writ of possession of the Property to accomplish possession without further order of the Court. Jurisdiction of this action is retained to enter further orders that are proper, including without limitation, Amended Final Judgments and Writs of Possession.

DONE AND ORDERED at Escambia County, Florida, on this 28th day of December, 2009.


CIRCUIT JUDGE


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by U.S. Mail to: All those listed on the attached Service List, on this 11 day of ~~December~~ ^{January} 2010 ~~2009~~.

Ernie Lee Magaha, Clerk of Courts

[Handwritten Signature]

Judicial Assistant
[Handwritten: D. Pu...]



SERVICE LIST

✓
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✓
State of Florida Department of Revenue
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Tallahassee, FL 32399-0100