

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA, FLORIDA
CIVIL ACTION

BAC FUNDING CONSORTIUM, Inc.
a not-for-profit Florida corporation

Appellant,

vs.

GINELLE M. JEAN-JACQUES,
U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE C-BASS MORTGAGE
LOAN ASSET BACKED CERTIFICATES,
SERIES 2006-CB5,

Appellees.

CASE NO.: 2007CA015534SC

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2008093182 8 PGS
2008 JUL 08 12:58 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
COVERHOL Receipt#1066192




2008093182

BAC'S NOTICE OF APPEAL

NOTICE IS GIVEN that, Defendant/Appellant BAC FUNDING CONSORTIUM, INC. ("BAC"), appeals to the Second District Court of Appeals for the State of Florida, the Final Summary Judgment of Mortgage Foreclosure of the Court rendered June 18, 2008. The nature of the order is a final summary judgment of foreclosure, foreclosing the interest of BAC in certain real property located in Sarasota County, Florida.

THE CUNNINGHAM LAW FIRM, P.A.
Counsel for BAC
400 S. Australian Avenue, Suite 700
West Palm Beach, Florida 33401
(561) 833-6400

By:


F. Malcolm Cunningham, Jr.
Florida Bar No. 307076
Amy L. Fischer
Florida Bar No. 890499

CUNNINGHAM
LAW FIRM

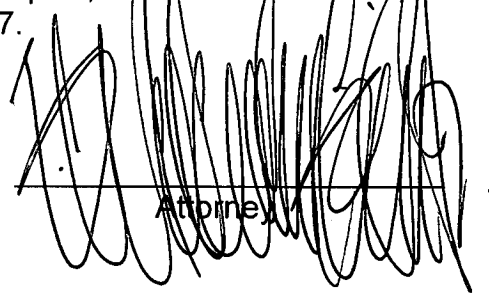


Case: 2007 CA 015534 SC

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Dkt: NOTAPPR

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of this notice was served to Andrea D. Pidala, Esq.; Florida Default Law Group, P.L.; 9119 Corporate Lake Drive, 3rd Floor; Tampa, Florida 33634 and Ginelle M. Jean-Jacques, 5129 Rumson Road, North Port, FL 34288 by U.S. Mail this 15 day of July, 2007.



Attorney

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2008084373 6 PGS
2008 JUN 18 04:40 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DDAUGHER Receipt#1059933

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
CIVIL ACTION

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE C-BASS MORTGAGE LOAN
ASSET-BACKED CERTIFICATES, SERIES 2006-
CB5,

Plaintiff,

vs.

CASE NO. 2007 CA 015534 SC
DIVISION H

GINELLE M. JEAN-JACQUES; SERGE JEAN-JACQUES JR;
BAC FUNDING CONSORTIUM, INC. ISAOA/ATIMA
Defendant(s).



SPACE FOR RECORDING
ONLY F.S. §695.26

FINAL SUMMARY JUDGMENT OF MORTGAGE FORECLOSURE

THIS CAUSE having come to be heard on June 18, 2008 on the MOTION FOR FINAL SUMMARY JUDGMENT OF MORTGAGE FORECLOSURE INCLUDING A HEARING TO TAX ATTORNEYS' FEES AND COSTS filed on behalf of U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-CB5, hereinafter referred to as Plaintiff, and the Court having reviewed the pleadings and affidavits filed by Plaintiff, having heard argument of counsel, and being otherwise fully advised in the premises:

ORDERS AND ADJUDGES as follows:

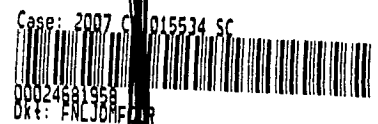
1. Service of process has been duly and regularly obtained over GINELLE M. JEAN-JACQUES; SERGE JEAN-JACQUES JR; BAC FUNDING CONSORTIUM, INC. ISAOA/ATIMA; hereinafter referred to as

F07061035-M002400

FILE_NUMBER: F07061035



DOC_ID: M002400



2

"Defendants."

2. The equities of this action are in favor of Plaintiff; Plaintiff is entitled to foreclose and enforce the Mortgage Note and Mortgage. Plaintiff is due:

UNPAID PRINCIPAL BALANCE	\$222,689.60
INTEREST THROUGH June 18, 2008	17,122.76
PRE-ACCELERATED LATE CHARGES THROUGH December 04, 2007	297.96
PROPERTY INSPECTIONS	24.00
PROPERTY PRESERVATION	21.50
BPO FEE	545.00
TITLE SEARCH EXPENSES	175.00
TITLE EXAMINATION FEE	150.00
FILING FEE	259.00
INVESTIGATION/SERVICE OF PROCESS	225.00
ATTORNEY'S FEE	1,200.00
TOTAL	<u>\$242,709.82</u>

3. The Court finds, based upon Florida Statutes §702.065(2) (2006), the affidavits filed herein, inquiry of counsel for Plaintiff, and upon consideration of the legal services rendered, the complexity of the foreclosure action, the amount of time and labor reasonably expended by lawyers in the community in prosecuting routine mortgage foreclosure actions, Florida Default Law Group, P.L.'s, flat fee agreement with its client and Florida law, that the flat fee sought by Florida Default Law Group, P.L., is reasonable and awards a flat fee of no and 00/100 Dollars (\$0.00).

4. Plaintiff holds a lien for the total sums set forth in Paragraph 2 superior to any claims, interests or estates of Defendant(s) GINELLE M. JEAN-JACQUES; SERGE JEAN-JACQUES JR; BAC FUNDING CONSORTIUM, INC. ISAOA/ATIMA; and any person or entities claiming by, through, under or against these defendant(s), with the exception of any special assessments that are superior pursuant to Florida Statutes §159 (2006) and/or Florida Statutes §170.09 (2006), on the following-described property located and situated in SARASOTA County, Florida:

LOT 29, BLOCK 2531, FIFTY-FIRST ADDITION TO PORT CHARLOTTE SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGES 8, 8A THROUGH 8GG, INCLUSIVE, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

A/K/A 5129 Rumson Road, North Port, FL 34288

5. If the total sum set forth in Paragraph 2, with interest at the rate prescribed by law (which is 11 percent per annum) and all costs of this action accruing subsequent to this Judgment, is not paid prior to the scheduled public sale, the Clerk of this Court shall sell the property described in Paragraph 4 at a public sale on July 23, 2008, at 8:30AM, to the highest bidder for cash, except as hereinafter set forth, at SARASOTA COUNTY COURTHOUSE, 2000 MAIN STREET, Historic Courtroom, East Wing, SARASOTA, FLORIDA 34237 in SARASOTA County, Florida in accordance with Florida Statutes §45.031 (2006), ~~provided, however, that such sale shall not be held in the absence of Plaintiff's attorney or its representative.~~ The Clerk shall set a sale date between 20 to 35 days from the date of this Judgment.

6. Plaintiff shall advance all subsequent costs of this action in addition to any advances made to preserve its collateral and shall be reimbursed, without further Order of the Court, by the Clerk if Plaintiff is not the purchaser of the property. If Plaintiff is the purchaser, the bid may be assigned without further Order of this Court and the Clerk shall credit the Plaintiff's bid with the total sum set forth in Paragraph 2 above, together with interest as prescribed by law and costs accruing subsequent to this judgment as is necessary to pay the bid in full.

7. On filing the Certificate of Title with respect to the property described in Paragraph 4, 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 if Plaintiff is the successful bidder; third, Plaintiff's attorney's fees; fourth, the total sum due to Plaintiff, as set forth in Paragraph 2, less the items paid, plus interest at the rate prescribed by law from this date to the date of the sale to Plaintiff. The Clerk shall retain any amount remaining pending the further Order of this Court. Any amounts so retained are to be distributed to each Defendant, as determined by Order of this Court.

8. The successful bidder and purchaser at the foreclosure sale of the real property being foreclosed shall pay, in addition to the amount bid, any documentary stamps and Clerk's fee relating to the issuance of the Certificate of Title to be issued by the Clerk to the successful bidder and purchaser. At the time of the sale the successful high bidder shall post with the Clerk a deposit equal to five percent (5%) of the final bid. The deposit shall be applied to the sale

price at the time of payment. If final payment is not made within the prescribed period, the Clerk shall re-advertise the sale as provided in this section, and pay all costs of the sale from the deposit. Any remaining funds shall be applied toward the Judgment.

9. 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 sixty (60) days after the sale. If you fail to file a claim, you will not be entitled to any remaining funds.

10. 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, SARASOTA County, PO Box 3079
ATT Room 225
Sarasota, FL 34230

MAILING ADDRESS:

2000 Main Street

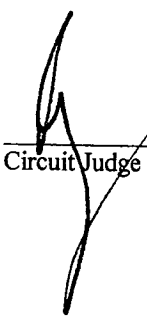
Sarasota, FL 34237, , Phone: 941-861-7400, within ten (10) days after the sale to see if there is additional money from the foreclosure sale that the Clerk has in the registry of the Court. If you decide to sell your home or hire someone to help you claim the additional money, you should read very carefully all papers you are required to sign, ask someone else, preferably an attorney who is not related to the person offering to help you, to make sure that you understand what you are signing and that you are not transferring your property or the equity in your property without the proper information. If you cannot afford to pay an attorney, you may contact Gulfcoast Legal Services, Inc. - Sarasota Office (941)366-1746, Legal Aid of Manasota, Inc. - Sarasota Office (941)366-0038, Legal Aid of Manasota, Inc. - Venice Office (941)492-4631, to see if you qualify financially for their services. If they cannot assist you, they may be able to refer you to a local bar referral agency or

suggest other options. If you choose to contact Gulfcoast Legal Services, Inc. - Sarasota Office (941)366-1746, Legal Aid of Manasota, Inc. - Sarasota Office (941)366-0038, Legal Aid of Manasota, Inc. - Venice Office (941)492-4631, for assistance, you should do so as soon as possible after receipt of this notice.

11. On filing the Certificate of Sale Defendants' Right of Redemption as prescribed by Florida Statutes §45.0315 (2006), shall be terminated. On filing the Certificate of Title with respect to the property described in Paragraph 4 above, the Defendants named herein, and all persons claiming by, through, under or against them since the filing of Notice of Lis Pendens in this action, are foreclosed of all estate, interest or claim in the property described in Paragraph 4, and the purchaser or purchasers at the sale shall be let into possession of the property. The Clerk of the Circuit Court is Ordered to issue a Writ of Possession upon demand by the purchaser or purchasers.

12. Jurisdiction over this action is retained to enter such further Orders to give Plaintiff adequate and complete relief as may be necessary and proper, including the entry of a deficiency decree if Plaintiff is not limited to in rem stay relief in an active bankruptcy case and/or if borrower(s) has not been discharged in bankruptcy or constructively served, together with additional attorney's fees, if appropriate.

DONE AND ORDERED in Chambers, in SARASOTA County, Florida, this 18 day of June, 2008.


Circuit Judge

Copies furnished to:
Andrea D. Pidala, Esquire
Florida Default Law Group, P.L.
P.O. Box 25018
Tampa, Florida 33622-5018

GINELLE M. JEAN-JACQUES
5129 Rumson Road
North Port, FL 34288

SERGE JEAN-JACQUES JR
5129 Rumson Road
North Port, FL 34288

BAC FUNDING CONSORTIUM, INC. ISAOA/ATIMA
c/o F. Malcolm Cunningham, Esq.
The Cunningham Law Firm, PA
400 S. Australian Ave
Suite 700
West Palm Beach, FL 33401

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