

IN THE CIRCUIT COURT OF THE 3RD
JUDICIAL CIRCUIT IN AND FOR DIXIE
COUNTY, FLORIDA

HEATHER BALABAN, as Trustee
for HEATHER BALABAN TRUST,

CASE NO.: 26-CA-000022 CAAXMX

Plaintiff,
vs.

Inst: 202615003603 Date: 08/28/2026 Time: 11:05AM
Page 1 of 6 B: 678 P: 170, Barbie Higginbotham, Clerk of Court D
County, By: KH
Deputy Clerk

USED CAR FACTORY, LLC, A Florida
limited liability company, TAX GUARDIAN
LLC, a Florida Limited Liability Company,
CARLOS O. ROCA, Individually, JOHN DOE,
Individually, and JANE DOE, Individually,

Defendants.

FINAL SUMMARY JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on August 27, 2026, on Plaintiff, HEATHER BALABAN, AS TRUSTEE for HEATHER BALABAN TRUST's, Motion for Final Summary Judgment of Foreclosure. Based on the Motion, Affidavits, court record, and evidence presented and being otherwise fully informed in the premises,

IT IS ADJUDGED that:

1. Final Summary Judgment of Foreclosure is GRANTED in favor of Plaintiff and against all named Defendants. Service of process has been duly and regularly obtained over the Borrower, USED CAR FACTORY, LLC, and subordinate defendants, CARLOS O. ROCA, and TAX GUARDIAN, LLC.

2. **AMOUNTS DUE.** There is due and owing to Plaintiff the following amounts:

Principal due on the note secured by the mortgage foreclosed: \$ 69,000.00

Interest: \$ 9,319.50

i. 12% 2/24/25- 03/06/2026 \$ 3,109.50

ii. 18% 03/07/26 – 08/27/2026 \$ 6,210.00

2023/2024 Taxes \$ 4,720.40

Late Charges: \$ 483.00

Extension Fees: \$ 4,140.00

Title search expenses: \$ 375.00

Court costs:	\$ 1,927.69
• Filing fee	
• Service of Process/Summons	
<u>SUBTOTAL</u>	\$ 89,965.59
Additional expenses, fees, and costs:	\$
<u>SUBTOTAL</u>	\$ 89,965.59
Attorney fees total:	\$ 4,000.00
 TOTAL SUM	 \$ 93,965.59

3. **Interest.** The total sum referenced in Paragraph 2 shall bear interest from this date forward at the rate of interest set forth in § 55.03, Florida Statutes.

4. **Lien on Property.** Plaintiff, whose address is C/o Shahady & Wurtenberger PA, 7900 Peters Road Suite B-200, Fort Lauderdale, Florida 33324, holds a lien for the total sum specified in Paragraph 2 herein. The lien of the plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to §§ 718.116 or 720.3085, Florida Statutes. Plaintiff's lien encumbers the subject property located in Dixie County, Florida and described as:

Legal: 1The South 1/2 of Lot 36, Palm Forest of Old Town, according to the plat thereof as recorded in Plat Book Page 88 of , the Public Records of Dixie County, Florida.

Parcel ID: 27-09-13-4471-0000-036

Property Address: 415 NE 364th Avenue, Old Town, Florida 32680 (the "Property")

5. **Sale of Property.** If the total sum with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property to the highest bidder for cash at public sale on the **13th day of October, 2026 at 11:00 A.M.** after having first given notice as required by § 45.031, Florida Statutes. The judicial sale will be conducted in person at the Dixie County Courthouse, main entrance NW corner, 214 NE Hwy 351, Cross City, FL 32628. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication. The party or their attorney shall be responsible for preparing, in accordance with § 45.031(2), Florida Statutes, and submitting the Notice of Sale to a legal publication. The original Notice of Sale and Proof of Publication must be filed with the Clerk of the Circuit Court at least 24 hours prior to the scheduled sale date.

6. **Court Costs.** Plaintiff shall advance all subsequent required costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not the purchaser of the property for sale. 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. If a third-party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

7. **Additional Expenses, Fees, and Costs.** If, subsequent to the entry of this ,final judgment, but prior to the actual sale date of the property, plaintiff incurs additional expenses, fees or costs to protect its interest in the property after entry of this judgment including, but not limited to, real estate taxes, hazard insurance, property preservation, or other necessary costs, plaintiff may, by written motion served on all parties, seek to amend this final judgment to include such additional expenses, fees and costs. Such additional expenses, fees and costs shall be added to the "total sum due" in Paragraph 3 and shall be paid from the distribution of proceeds of the sale. A motion to amend the final judgment to include additional expenses, fees and costs must be filed not later than 15 days after entry of the judgment, pursuant to Florida Rule of Civil Procedure 1.530(g).
8. **Distribution of Proceeds.** 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 the plaintiff's costs; second, documentary stamps affixed to the Certificate, *unless the property is purchased by a third party bidder*; third, plaintiff's attorneys' fees; fourth, the total sum due to the plaintiff in Paragraph 2, less the items paid, plus interest at the rate prescribed in Paragraph 3 from this date to the date of the sale; and by retaining any remaining amount— the "surplus proceeds"—pending further Order of this court.
9. **Right of Redemption / Right of Possession.** On filing the Certificate of Sale, defendant(s) 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 and defendant's right of redemption as prescribed by § 45.0315, Florida Statutes, shall be terminated, 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.
10. **Attorneys' Fees.** Pursuant to the promissory note and mortgage, Plaintiff is entitled to its reasonable attorney's fees and costs to be paid by the Borrower. The court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 10.0 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$400.00/hour is appropriate. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY'S FEES AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).
11. **Claims to Surplus Funds/Proceeds.**
 - A. **Generally**

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.

The funds remaining after payment of all disbursements required by Paragraph 2 and Paragraph 7 of this Final judgment and shown on the certificate of disbursement are "surplus funds."

B. Claim by Subordinate Lienholder

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, IF ANY, YOU MUST FILE A CLAIM WITH THE CLERK **NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED**. IF YOU FAIL TO FILE A TIMELY CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

A subordinate lienholder is the holder of a subordinate lien *as shown on the face of the pleadings* as an encumbrance on the property. A subordinate lienholder includes, but is not limited to, a subordinate mortgage, judgment, tax warrant, assessment lien, or construction lien. A subordinate lienholder not shown on the face of the pleadings is not entitled to the surplus if it did not intervene in the action within 30 days after the recording of the notice of lis pendens. If your lien was paid in full from the proceeds of the sale, you have no claim to the surplus. One year after the sale, any surplus remaining with the Clerk of the Court must be remitted to the Department of Financial Services, as provided in § 45.032(3)(c), Florida Statutes.

C. Claim by Owner of Record

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 AT (352) 540-6377 **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.

The property owner is the owner of record who appears to be the owner(s) of the foreclosed property *on the date of the filing of the lis pendens*. To make a claim to the surplus, an owner of record may use the form provided at § 45.032(3)(a), Florida Statutes. One year after the sale, any surplus remaining with the Clerk of the Court must be remitted to the Department of Financial Services, as provided in § 45.032(3)(c), Florida Statutes. After the surplus has been remitted to the Department of Financial Services, the owner of record, or the beneficiary of a deceased owner of record, must make a claim with the Department for the surplus pursuant to § 717.124, Florida Statutes.

D. Claim by Grantee or Assignee of Property Owner

If you are an assignee of the rights of the owner of record, you must prove entitlement to the surplus funds in accordance with § 45.033, Florida Statutes.

E. Claim by Plaintiff

Plaintiff/Mortgagee is not entitled to surplus funds/proceeds. Any additional expenses, fees and costs incurred subsequent to entry of the final judgment, but prior to the sale, must be added to the "total sum due" pursuant to Paragraph , and are not payable from the surplus proceeds.

STATUTORY REQUIRED LANGUAGE ABOVE, IN ACCORDANCE WITH § 45.031, FLORIDA STATUTES, IS IN ALL CAPITAL LETTERS.

12. **Assignment.** *The plaintiff may assign the judgment and credit bid by the filing of an assignment prior to the issuance of the certificate of title without further order of the court.*
13. **Jurisdiction Retained.** *The court retains jurisdiction of this action to enter further orders or judgments that are proper, including, without limitation, orders amending this final judgment in accordance with Paragraph 7, orders disbursing the surplus proceeds, orders of reforeclosure, orders authorizing writs of possession and an award of attorney's fees, to enter deficiency judgments if the borrower has not been discharged in bankruptcy, and to enforce the adequate protection ordered, if applicable.*

DONE AND ORDERED in Dixie County, Florida on Thursday, August 27, 2026.

CA-000022-CAAM 08/27/2026 04:51:38 PM



Jennifer Johnson, Acting Circuit Judge
15-2026-CA-000022-CAAM 08/27/2026 04:51:38 PM

CERTIFICATE OF SERVICE

In cases wherein a party is unrepresented ("Pro Se"), counsel for the Plaintiff shall be responsible for providing conformed copies to any remaining Pro Se party who does not have access to, or is not a registered user of the Florida Courts E-Filing Portal and filing a "Notice of Filing" with the Certificate of Service in the court file.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished using the Florida Court's E-Filing E-Portal on Friday, August 28, 2026, to the following:

T. Robert Shahady, Esquire
rshahady@swlawyers.law
krissel@swlawyers.law
Attorney for Plaintiff

Carlos O. Roca
carlosroca@904cars.net

15-CA-000022-CAAM 08/28/2026 08:37


Sasha Patton, Program Coordinator
15-2026-CA-000022-CAAM 08/28/2026 08:37:32 AM

via Plaintiff's counsel:

Used Car Factory, LLC (EIN 47-4551968)
10249 Beach Blvd.
Jacksonville, FL 32246

Carlos O. Roca
1035 Briarcreek Road
Jacksonville, FL 32225

Tax Guardian, LLC (EIN 84-4608590)
c/o Rawlinds Bell
6703 NW 39th Lane
Lauderhill, FL 33319