

IN THE CIRCUIT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR BROWARD COUNTY

U.S. Bank, National Association as trustee for  
the Benefit of the LX 2007-16N Trust Fund,  
Plaintiff,

Case No.: 10-02095

v.

Thomas Garner; et. al.

\_\_\_\_\_  
Defendant(s) /

**ORDER ON**  
**DEFENDANT'S MOTION FOR THE COURT TO TAKE JURISIDICION OVER THE**  
**MATTER OF SANCTIONS & OUTSTANDING FEE'S**  
**AND**  
**DEFENDANT' MOTION TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY**  
**JUDGMENT & DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE**  
**AND**  
**DEFENDANT'S REQUEST FOR AN ORDER REQUIRING PLAINTIFF TO FILE A**  
**SATISFACTION OF MORTGAGE AND CANCELLATION OF LIS PENDENS**  
**AND**  
**DEFENDANT'S MOTION FOR SANCTIONS**

THE CAUSE, having come before the Court upon Defendant's Motion to Strike Plaintiff's Notice of Voluntary Dismissal and Defendant's Motion for the Court to Take Jurisdiction Over the Matter of Sanctions and Outstanding Fees and Defendant's Motion to Strike Plaintiff's Motion for Summary Judgment & Dismiss Plaintiff's Complaint with Prejudice and Defendant's Request for an Order requiring Plaintiff to File A Satisfaction of Mortgage and Cancellation of Lis Pendens and Defendant's Motion for Sanctions Pursuant to Fla. Stat. §57.105, and the Court being fully advised it is:

**ORDERED AND ADJUDGED** as follows:

1. Defendant's Motion for the Court to take Jurisdiction Over the Matter of Sanctions & Outstanding fees is Granted.

2. Defendant's Motion to Strike Plaintiff's Notice of Voluntary Dismissal is Granted.
3. Defendant's Motion to Strike Plaintiff's Motion for Summary Judgment is Granted & Dismiss Plaintiff's Complaint With Prejudice is Granted.
4. Defendant's Request for an Order Requiring Plaintiff to File a Satisfaction of Mortgage and Cancellation of Lis Pendens is Granted and Plaintiff is required to provide proof that the Defendant's the Mortgage has been Satisfied and the Lis Pendens is cancelled within \_\_\_\_\_ days of the signing of this Order.
5. Defendant's Motion for Sanctions is Granted and Plaintiff is Ordered to Pay Defendant \$ reserved pending hearing within \_\_\_\_\_ days from the date this Order is signed.

**ORDERED** in Chambers at Broward County, Florida this 7<sup>th</sup> day of October 2010.

OCT 28 2010

JUDGE PATRICIA W. COCALIS

Circuit Court Judge

Copies furnished to:

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