

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

METLIFE HOME LOANS, A DIVISION
OF METLIFE BANK, N.A.

Plaintiff,

CASE NO: 09-4019-CI-11

v.

BRYGITTE BRADSHAW A/K/A BRIGITTE
BRADSHAW, et al,

Defendants.

_____/

DEFENDANT'S MOTION TO QUASH SERVICE OF PROCESS
AND SET ASIDE DEFAULT

NOW INTO COURT, through undersigned counsel, comes Brigitte Bradshaw ("Defendant"), who files this Motion to Quash Service of Process and Set Aside Default, and as grounds therefore would state as follows:

1. Plaintiff, filed this foreclosure action against Defendant on or about March 5, 2009.
2. As sworn to in Defendant's Affidavit attached hereto as Exhibit "A", the first time Defendant became aware of this lawsuit was when she received a copy of Plaintiff's Motion for Summary Final Judgment of Foreclosure in the mail at her address of 4401 25th Avenue North, St. Petersburg, FL 33713 addressed to her as well as copy addressed to "Current Tenants." A copy of both envelopes is attached hereto as Exhibit "B".

3. A review of the court file shows that service of process was purportedly made upon the Defendant by individual service at Defendant's address of 4401 25th Avenue North, St. Petersburg, FL 33713. A copy of the Return of Service is attached hereto as Exhibit "C".

4. As stated in Defendant's Affidavit attached hereto as Exhibit "A", Defendant was never served with any summons or complaint at any time or anyplace relative to this lawsuit.

5. Defendant lived at the purported service address during March of 2009, as this is her homesteaded and primary residence, but she was never served with any legal documents while residing at that address, and has never been served with the summons and complaint in this matter as claimed in the purported Affidavit of Service. See Affidavit of Defendant attached as Exhibit "A".

6. Because Defendant was never served with the summons and complaint in this matter, the Default entered on September 28, 2010 should also be set aside.

WHEREFORE, Defendant requests that this Honorable Court quash service of process against Defendant and set aside the Default entered on September 28, 2010, and grant such other and further relief that may be awarded at law or in equity.

I HEREBY CERTIFY that a copy hereof as been furnished by United States Mail, postage prepaid, to Miguel Indo-Romero, Esq., Law Offices of David J. Stern, P.A., 900 South Pine Island Road, Suite 400, Plantation, Florida 33324-3920, this 5th day of October, 2010.

LAW OFFICES OF JON B. COATS, JR., P.A.



JON B. COATS, JR., ESQ.

5022 73rd Avenue

Pinellas Park, Florida 33781

Tel: 727-456-4462; Fax: 727-456-4463

Email: Jon@JonCoatsLaw.com

Florida Bar No. 0642401 SPN# 02466344

Attorney for Defendant, Brigitte Bradshaw

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
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METLIFE HOME LOANS, A DIVISION
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Plaintiff,

CASE NO: 09-4019-CI-11

v.

BRYGITTE BRADSHAW A/K/A BRIGITTE
BRADSHAW, et al,

Defendants.

AFFIDAVIT OF BRIGITTE BRADSHAW

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared Brigitte Bradshaw ("Affiant"), who deposes and says under penalties of perjury under the laws of the United States of America that:

1. I am over the age of 18 and have personal knowledge of the statements contained in this affidavit.
2. The first time I ever became aware of this foreclosure lawsuit was the first week of October 2010 when an envelopes containing a Motion for Summary Judgment addressed to myself and to "Current Tenants" from the Law Offices of David J. Stern, P.A. was delivered by U.S. Mail to my address at 4401 25th Avenue North, St. Petersburg, FL 33713.
3. At no time was I ever served or received any legal documents while residing at my address of 4401 25th Avenue North, St. Petersburg, FL 33713 or at any other location or address, and was never served with the summons and complaint in this case.


BRIGITTE BRADSHAW

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to, affirmed, acknowledged and subscribed before me this 20th day of October, 2010 by Brigitte Bradshaw, who is personally known to me or produced _____ as identification.


NOTARY PUBLIC - STATE OF FLORIDA

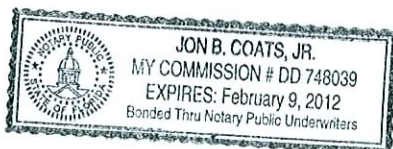


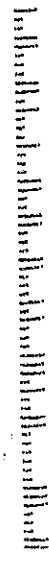
Exhibit "A"

THE LAW OFFICES OF DAVID J. STERN, P.A.
10 SOUTH PINE ISLAND ROAD
SUITE 400
PLANTATION, FL 33324

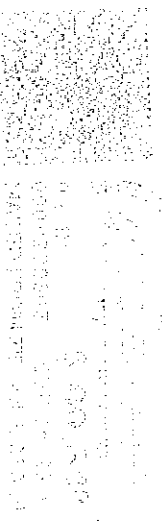


BRYGITTE BRADSHAW A/K/A BRIGITTE BRADSHAW A/K/A
BRYGITTE A. BRADSHAW
4401 25TH AVENUE N
ST. PETERSBURG, FL 33713

3371383213 0023



THE LAW OFFICES OF DAVID J. STERN, P.A.
900 SOUTH PINE ISLAND ROAD
SUITE 400
PLANTATION, FL 33324



CURRENT TENANTS
4401 25TH AVENUE N
ST. PETERSBURG, FL 33713

3371383213 0023

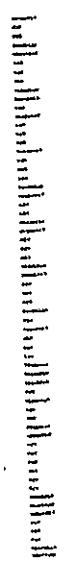


Exhibit "B"

ProVest, LLC - Tampa
4520 Seedling Circle
Tampa, FL 33614



SA25579942

#S09-19095

RETURN OF SERVICE

IN THE CIRCUIT COURT OF PINELLAS COUNTY, FLORIDA

PLAINTIFF METLIFE HOME LOANS, A DIVISION OF METLIFE BANK, N.A.; et seq.

vs.

DEFENDANT BRYGITTE BRADSHAW A/K/A BRIGITTE BRADSHAW A/K/A BRYGITTE A. BRADSHAW, ET AL.

DEFENDANT TO BE SERVED: **BRYGITTE BRADSHAW A/K/A BRIGITTE BRADSHAW A/K/A BRYGITTE A. BRADSHAW**

CASE NO 52-2009-CA-004019
DIVISION 11

TYPE OF PROCESS SUMMONS & COMPLAINT LIS PENDENS
 OTHER

Received this process on the **3/5/2009** at **9:00 AM**

I served not served the within named defendant.

DATE/TIME: **3/10/2009 9:55:00 AM**

ADDRESS WHERE
SERVED
(OR ATTEMPTED)

4401 25TH AVENUE NORTH
ST. PETERSBURG, FL 33713

INDIVIDUAL SERVICE: By delivering to the within named defendant a true copy of this process with the date and hour of service endorsed by me, and, at the same time I delivered to the within named defendant a copy of the complaint.

(x) Military Status: Refused No Yes Branch:
(x) Marital Status: Refused Not married Married Married, but separated
(x) Mobile Home Yes/VIN Not Visible No Yes Vin:

COMMENTS:

I hereby certify that I am not a party to the above action or suit and I am over the age of 18 years and the above affidavit is true and correct.
"Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true." F.S. 92.525

X

(Print Name) *Nicholas Gorspe*

Special Process Server #: APS48311
County PINELLAS

NOTARY PUBLIC
Notary Not Required Pursuant to FS 92.525

379942 -A

SPECIAL PROCESS SERVICE

Pinellas County, Florida
Jim Coats, Sheriff

Exhibit "C"