

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020

THIS CAUSE, UPON THE COURTS OWN MOTION, PURSUANT TO FLORIDA
RULES OF CIVIL PROCEDURE 1.070(I), IT APPEARING THAT SERVICE
HAS NOT BEEN OBTAIN UPON THE DEFENDANT(S) IN THE FOLLOWING
CAUSES WITHIN 120 DAYS AFTER FILING THE INITIAL PLEADING
AND THE PLAINTIFF, HAVING BEEN NOTICED THAT THE CAUSE OF
ACTION WOULD BE DISMISSED ON AUGUST 17, 2009, AND FURTHER
HAS MADE NO SHOWING OF CAUSE AS TO WHY SERVICE WAS NOT
MADE WITHIN THAT TIME, IT IS THEREFORE;

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE
ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE
PURSUANT TO RULE 1.070(I) OF THE FLORIDA RULES OF CIVIL PROCEDURE.

FILED
CIVIL COURT REG DEPT
2009 AUG 27 PM 4:34
CLERK OF DISTRICT COURT

DONE AND ORDERED IN CHAMBERS IN CLEARWATER/ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA THIS 27th DAY
OF August, 2009.


HON GEORGE JIROTKA

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CASE NUMBER	PARTY	NOTE
09-001376-CI-020	TARA L OTT GTE FEDERAL CREDIT UNION OTT TARA L	
09-002353-CI-020	UNKNOWN SPOUSE OF WILLIAM L JOYER FIFTH THIRD MORTGAGE COMPANY JOYER WILLIAM L ET AL	
09-002361-CI-020	UNKNOWN TENANT ETC INDYMAC FEDERAL BANK FSB SINGH BELINDA ET AL A/K/A SINGH B	
09-002489-CI-020	ANY AND ALL UNKNOWN PARTIES ETC AURORA LOAN SERVICES LLC LEEB RICHARD E ET AL	*
09-002489-CI-020	JANE DOE ETC AURORA LOAN SERVICES LLC LEEB RICHARD E ET AL	*
09-002489-CI-020	JOHN DOE ETC AURORA LOAN SERVICES LLC LEEB RICHARD E ET AL	*
09-002497-CI-020	UNKNOWN SPOUSE OF JOYCE M SCHWENTER BANK OF AMERICA NA SCHWENTER JOYCE M ET AL A/K/A SCHWENTER JOYCE	
09-002497-CI-020	UNKNOWN TENANTS IN POSSESSION OF THE SUBJECT PROPERTY BANK OF AMERICA NA SCHWENTER JOYCE M ET AL A/K/A SCHWENTER JOYCE	
09-002570-CI-020	ANY AND ALL UNKNOWN PARTIES ETC AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	*

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09-002570-CI-020	JANE DOE ETC AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	*
09-002570-CI-020	JOHN DOE ETC AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	*
09-002570-CI-020	UNKNOWN SPOUSE OF KATHY A THOMPSON AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	*
09-002769-CI-020	UNKNOWN TENANT ETC BANK OF AMERICA N A VASQUEZ MACEDONIO C ET AL	
09-002817-CI-020	UNKNOWN PERSONS IN POSSESSION OF THE SUBJECT PROPERTY DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE FOR AMERICAN HOME ETC CRAVEN JOHN ET AL	*
09-002855-CI-020	ALL UNKNOWN PARTIES ETC WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	
09-002855-CI-020	SEAN MICHAEL BROWN A/K/A SEAN BROWN WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	
09-002855-CI-020	TENANT 1 ETC WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	

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09-002855-CI-020	TENANT 2 ETC WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	
09-002877-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002877-CI-020	JANE DOE ETC U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002877-CI-020	UNKNOWN SPOUSE OF ALEKSANDER PRECAJ U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002877-CI-020	UNKNOWN SPOUSE OF MIKE PRECAJ U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002896-CI-020	JANE DOE ETC CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	
09-002896-CI-020	JOHN DOE ETC CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	
09-002896-CI-020	UNKNOWN SPOUSE OF MIAOULIS ZORBAS CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	

COPY

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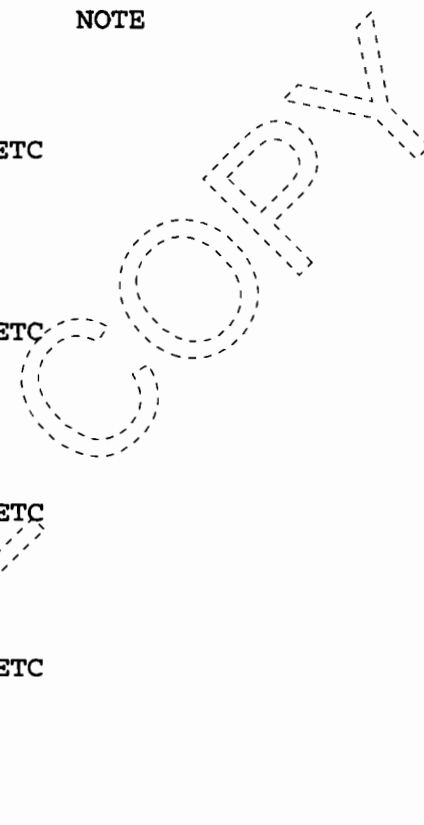
CASE NUMBER	PARTY	NOTE
09-002896-CI-020	MIAOULIS ZORBAS CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	
09-002941-CI-020	MICHAEL F SCHMIDT MBNA AMERICA BANK N A SCHMIDT MICHAEL F	
09-003047-CI-020	ANY AND ALL UNKNOWN PARTIES ETC GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003047-CI-020	JANE DOE ETC GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003047-CI-020	JOHN DOE ETC GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003047-CI-020	UNKNOWN SPOUSE OF NITZA M TORRES GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003160-CI-020	ANY AND ALL UNKNOWN PARTIES ETC CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL A/K/A MICHAEL MEGAN A/K/A MICHAEL MEGAN LEE MICHAEL MEGAN LEE LUMADUE	*
09-003160-CI-020	JANE DOE ETC CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL A/K/A MICHAEL MEGAN A/K/A MICHAEL MEGAN LEE MICHAEL MEGAN LEE LUMADUE	*

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09-003160-CI-020	UNKNOWN SPOUSE OF MEGAN LEE LUMADUE BURKE CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL A/K/A MICHAEL MEGAN A/K/A MICHAEL MEGAN LEE MICHAEL MEGAN LEE LUMADUE	*
09-003167-CI-020	JANE DOE BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003167-CI-020	JOHN DOE ETC BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003167-CI-020	UNKNOWN SPOUSE OF DEBBRA LAWTON BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003167-CI-020	UNKNOWN SPOUSE OF DEREK J EDWARDS BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003224-CI-020	ANY AND ALL UNKNOWN PARTIES ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	

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09-003224-CI-020	JANE DOE ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003224-CI-020	JOHN DOE ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003224-CI-020	UNKNOWN SPOUSE OF GARY HAND IF ANY NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003224-CI-020	UNKNOWN SPOUSE OF JOAN M TAFFIC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003235-CI-020	MARCO A ALAMINA SYNOVUS BANK OF TAMPA BAY ALAMINA MARCO A	
09-003410-CI-020	ANY AND ALL UNKNOWN PARTIES ETC DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RALI2006QS8 MOULTON JENNIFER M	
09-003410-CI-020	JANE DOE ETC DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RALI2006QS8 MOULTON JENNIFER M	
09-003410-CI-020	JOHN DOE ETC DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RALI2006QS8 MOULTON JENNIFER M	



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09-003421-CI-020	UNKNOWN TENANTS IN POSSESSION ETC CHASE HOME FINANCE LLC KENNEDY STEPHEN J ET AL	
09-003440-CI-020	APRIL L VAN AKEN CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	IAN VAN AKEN CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	ANY AND ALL UNKNOWN PARTIES ETC CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	JANE DOE ETC CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	JOHN DOE ETC CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003485-CI-020	ALL UNKNOWN PARTIES ETC WELLS FARGO BANK N A AS SUCCESSOR BY MERGER TO WELLS FARGO ETC SULLIVAN BRYANT L ET AL A/K/A SULLIVAN BRYANT	
09-003485-CI-020	UNKNOWN PARTIES IN POSSESSION 1 WELLS FARGO BANK N A AS SUCCESSOR BY MERGER TO WELLS FARGO ETC SULLIVAN BRYANT L ET AL A/K/A SULLIVAN BRYANT	

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09-003517-CI-020	UNKNOWN SPOUSE OF ESSIE RAYNER JONES JPMORGAN CHASE BANK NATIONAL ASSOCIATION AS PURCHASER OF THE LOANS AND OTHER ASSETS ETC RICHARDSON FELIX ET AL	*
09-003517-CI-020	UNKNOWN TENANT 1 JPMORGAN CHASE BANK NATIONAL ASSOCIATION AS PURCHASER OF THE LOANS AND OTHER ASSETS ETC RICHARDSON FELIX ET AL	*
09-003517-CI-020	UNKNOWN TENANT 2 JPMORGAN CHASE BANK NATIONAL ASSOCIATION AS PURCHASER OF THE LOANS AND OTHER ASSETS ETC RICHARDSON FELIX ET AL	*
09-003525-CI-020	ANY AND ALL UNKNOWN PARTIES ETC US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES ETC CHICHESTER ALAN N ET AL	
09-003525-CI-020	JANE DOE ETC US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES ETC CHICHESTER ALAN N ET AL	
09-003525-CI-020	JOHN DOE ETC US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES ETC CHICHESTER ALAN N ET AL	
09-003595-CI-020	ANY AND ALL UNKNOWN PARTIES ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	

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CASE NUMBER	PARTY	NOTE
09-003595-CI-020	JANE DOE ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	
09-003595-CI-020	JOHN DOE ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	
09-004024-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK N A GONZALEZ JOSE ET AL	*
09-004024-CI-020	DOE JOHN U S BANK N A GONZALEZ JOSE ET AL	*
09-004024-CI-020	UNKNOWN SPOUSE OF JOSE GONZALEZ U S BANK N A GONZALEZ JOSE ET AL	*
09-004043-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	JANE DOE ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	JOHN DOE ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	UNKNOWN SPOUSE OF RANDALL GROF IF ANY U S BANK NA GROF RANDALL ET AL	*

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09-004069-CI-020	ANY AND ALL UNKNOWN PARTIES ETC COUNTRYWIDE HOME LOANS SERVICING L P MENDELOWITZ JEFFREY M ET AL	
09-004069-CI-020	JANE DOE ETC COUNTRYWIDE HOME LOANS SERVICING L P MENDELOWITZ JEFFREY M ET AL	
09-004069-CI-020	JOHN DOE ETC COUNTRYWIDE HOME LOANS SERVICING L P MENDELOWITZ JEFFREY M ET AL	
09-004076-CI-020	ANY AND ALL UNKNOWN PARTIES ETC AURORA LOAN SERVICES LLC BLUCK DENNIS ET AL	
09-004076-CI-020	JANE DOE ETC AURORA LOAN SERVICES LLC BLUCK DENNIS ET AL	
09-004076-CI-020	UNKNOWN SPOUSE OF DENNIS BLUCK IF ANY AURORA LOAN SERVICES LLC BLUCK DENNIS ET AL	
09-004125-CI-020	ANY AND ALL UNKNOWN PARTIES ETC GMAC MORTGAGE LLC SCARCELLA GINA	
09-004125-CI-020	DOE JANE GMAC MORTGAGE LLC SCARCELLA GINA	
09-004125-CI-020	UNKNOWN SPOUSE OF GINA SCARCELLA GMAC MORTGAGE LLC SCARCELLA GINA	

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

CITIBANK, N.A.,

PLAINTIFF,

CASE NO.: 09-003595-CI-20

v.

CHRISTOPHER B. PHILLIPS,

DEFENDANTS.

FILED
ST. PETERSBURG BRANCH
2010 AUG 26 PM 3:13
KEN EUSTACE
CLERK OF CIRCUIT COURT

**MOTION TO EFFECTUATE DISMISSAL OF THIS ACTION PURSUANT
TO FLA.R.C.PRO. 1.070 (J) AND THIS COURT'S ORDER**

COMES NOW, the Defendants CHRISTOPHER B. PHILLIPS (hereinafter "Defendant"), by and through the undersigned counsel MATTHEW D. WEIDNER, and SEEKS TO EFFECTUATE DISMISSAL because THE INSTANT CASE HAS ALREADY BEEN DISMISSED in the above entitled civil action, pursuant to *Fla. R. Civ. Pro.* 1.070(j) and precedent case law, and in support thereof states as follows:

I. MOTION TO EFFECTUATE DISMISSAL OF THIS ACTION

FACTS

1. The named Plaintiff in this case is CITIBANK, N.A. (hereinafter "Plaintiff"). The Plaintiff initiated this case when it filed its complaint on or about June 26, 2009.
2. According to the docket, on or about July 15, 2009 the Plaintiff was alerted by the Clerk of the Court of the Court's intention to dismiss under Rule 1.070(j) for failure to obtain service of several certain named Defendants to this lawsuit.
3. Notwithstanding this notice from the Clerk of the Court, the Plaintiff elected to take no further action with regard to the Defendants who had not properly been served after the filing of

the complaint. As a result, and pursuant to the Rule, the Court issued its Master Order Dismissal (hereinafter “the Master Order”), attached hereto as Exhibit “A”, on August 27, 2009. Here we are now almost one year later and while the Plaintiff has filed post-dismissal pleadings in this action, they have taken no action to have the Order of Dismissal set aside.

4. Although the Master Order cites Rule 1.070(I), it appears that this is a scrivener’s error, and that the order was actually referring to Rule 1.070(j) as the Master Order reads “it appearing that service has not been obtained upon the Defendant(s) in the following causes within 120 days after filing the initial pleading...”

5. The Master Order then provides as follows:

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE PURSUANT TO RULE 1.070(I) OF THE FLORIDA RULES OF CIVIL PROCEDURE. *Bold emphasis.*

This is clear, unambiguous, operative legal language that states the CASES (not the Parties) are dismissed without prejudice and this language cannot be ignored. The impact and effect of this language unfortunately cannot be ignored because, as will be explained below, substantive rights of the parties were affected by the order and this court lacks jurisdiction to take any action on this file other than to effectuate the dismissal that has already been entered. In short, the clear language of the Order must be given its full weight and legal effect.

APPLICABLE RULE OF CIVIL PROCEDURE AND RELEVANT CASE LAW

6. Fla. R. Civ. Pro. 1.070(j) provides, in pertinent part, that

[i]f service of an initial process and initial pleading is not made upon a defendant within 120 days after filing of the initial pleading directed to that defendant the court, on its own initiative after notice or on motion, shall direct that service be effected within a specified time *or shall dismiss the action without prejudice or drop that defendant as a party; provided that if the plaintiff shows good cause or*

excusable neglect for the failure, the court shall extend the time for service for an appropriate period. *Bold emphasis added.*

7. The Rule, then, provides the trial court with three options *and only three options* when a plaintiff has not properly served a defendant within 120 days after filing the initial pleading. These options are: (1) direct that service be effected within a specified time; (2) dismiss the action without prejudice; or (3) drop that defendant as a party. Chaffin v. Jacobson, 793 So. 2d 102, 103-04 (Fla. 2d DCA 2001). *See also* Premier v. Davalle, 994 So. 2d 360 (Fla. 3d DCA 2008); Vaught v. Mcneil, 34 Fla. L. Weekly D1503c (Fla. 1st DCA 2009); Miranda v. Young, 34 Fla. L. Weekly D207a (Fla. 2d DCA 2009); Sly v. McKeithen, Case No. 1D09-089 (Fla. 1st DCA). The rule does not provide an option to “Dismiss the case as to unknown Tenants”

LAW

1. THIS COURT CANNOT ADJUDICATE THE RIGHTS OF PARTIES BEFORE THIS COURT WITHOUT COURT PROCESS OR EVIDENCE THAT THEY ARE NOT PROPER PARTIES TO THIS ACTION

8. When this foreclosure case was filed, and when all other foreclosure cases are filed, the Plaintiff is required to formally name, “Unknown Tenants”. These words are not perfunctory or superfluous...the Unknown Tenants are real parties in interest in every foreclosure case until their interests are formally discharged by the Plaintiff that filed the action.

9. Any interpretation of this court’s Order other than a recognition that the entire case is dismissed, and not dismissed as to the “Unknown Defendants” as is incorrectly asserted to be the meaning of the Order, places the Court in the improper position of making decisions regarding dismissing parties who may very well have an interest in these proceedings, namely any “Unknown Tenants” who may be residing in the property. How does this Court (or any court hearing foreclosure cases) make the determination that “Unknown Tenants” have no interest in the proceedings and may be dropped from the case? If in fact tenants are residing in the property

and judgment of possession is subsequently entered have their fundamental rights not been violated? In the case before this court, "Unknown Tenants" were expressly made parties to this litigation by the Plaintiff and the Plaintiff, and only the Plaintiff, is under an affirmative obligation to discharge those tenant's interest upon affirmation that there are in fact no tenants. For the court to assume that there are no "Unknown Tenants", based exclusively on the tolling of some undisclosed period of time in which no tenant has been served and with no affidavit or evidence of any kind from the Plaintiff or any other party that there are no tenants, places thousands of legitimate tenants at risk of a fundamental violation of their basic due process rights.

10. Moreover, what about the situation where the Plaintiff is in fact aware that there are indeed tenants in the property and the Plaintiff wishes for those Unknown Tenants to remain parties to the action so their interests can be properly foreclosed? If the court has *sua sponte* dismissed those Defendants, the Plaintiff's rights to control the litigation have been impacted. Finally, a Writ of Possession issued by the court and effectuated by the Sheriffs of this state against "Unknown Tenants" who are in fact residing on the property is ineffectual as to those tenants if they have been dropped as defendants from the proceedings. How many legitimate tenants have had their due process rights violated and been thrown into the streets when the Sheriff of this county executes a Writ of Possession and that was their first notice of foreclosure proceedings? How many more tenants live in Pinellas County that are vulnerable to this nightmarish scenario right now? No Writ of Possession should be issued by this Court or Courts of this Circuit until these questions are answered.

11. Finally the actions any actions taken against tenants must be take into account the Federal Protecting Tenants at Foreclosure Act (Title VII of S. 896, Pub. L. No. 111-22, §§701 – 704 (2009) to the extent that such actions violate this federal law, they must cease immediately.

2. FORECLOSURE JUDGMENTS AFTER DISMISSAL ARE VOID AND EVERY JUDGMENT ISSUED AFTER DISMISSAL EXPOSES TITLE INSURORS, NEW PURCHASERS AND OTHER PARTIES TO SIGNIFICANT LIABILITY

12. Once a case has been dismissed, it thereafter lacks jurisdiction to take any action on that case and any judgment entered thereafter is void, including and especially a Final Judgment of Foreclosure. After a plaintiff suffers a dismissal of his or her cause of action, the court is without further jurisdiction and has no right to render any judgment either in the plaintiff's favor or against him or her. See Derma Lift Salon, Inc. v. Swanko, 419 So. 2d 1180 (Fla. 3d DCA 1982); Haft-Gaines Co. v. Reddick, 350 So. 2d 818 (Fla. 4th DCA 1977).

13. A judgment of dismissal without prejudice, that is, one not involving the merits of the case, leaves the parties as if no suit had been instituted. Epstein v. Ferst, 35 Fla. 498, 17 So. 414 (Fla. 1895). Such a judgment is not *res judicata* and hence is no bar to a subsequent action on the same subject matter. Rountree v. Rountree, 72 So. 2d 794 (Fla. 1954).

14. How many judgments have been rendered in cases across this county post-dismissal and what is the total dollar value of policies written on those properties subsequent to Judgment? That's one level of liability. The next level of liability are those legitimate defendants who were served with foreclosure, whether they thereafter appeared in the case or not. Any judgment entered against them is void and they are still the equitable title owners of the property inasmuch as their title ownership has not been properly foreclosed by a valid legal judgment.

15. The court must next consider the rights of subordinate lienholders on a property and the effect an Order of Dismissal has on those parties. A dismissal of the case operates to cancel the

lis pendens formally associated with that case. Federal Tax Liens, certified judgments, municipal liens and other valid liens that may have attached to property of Defendants who were affected by these dismissals must be respected. In the case of municipal liens, those judgments attach not just to the property subject to the instant foreclosure case, but to all real property owned in the defendant's name in the county in which the case is located. These liens are attached to the subject property by operation of law right now and they cannot be ignored thereafter by any party including this court.

3. THE CLEAR INTENT OF THE RULE IS TO SOLVE THE MOST VEXING PROBLEM FACING CIRCUIT COURTS IN DECADES- DOCKETS CLOGGED BY TOO MANY FORECLOSURE CASES

15. The principle behind the rule is to allow circuit courts ability to manage its docket. *See Chaffin*, 793 So. 2d at 104 (“**the purpose of Rule 1.070(j) is to speed the progress of cases on the civil docket...**”) *See also Skrbic v. QCRC Assocs. Corp.*, 761 So. 2d 349, 354 (Fla. 3d DCA 2000). This important rule and the language quoted in these cases should be carefully considered by this Court, this Circuit and in fact Courts all across the state who are struggling under the burden of an unprecedented case load. Courts not only have the power to manage their dockets, to move cases along toward conclusion, but because of the mandatory, “SHALL” language of the rule, this court MUST recognize that the case and all others similarly situate have been dismissed by operation of court Order.

16. If Plaintiffs in this case and thousands of others choking courts across this state:

- 1) Choose not to proceed with their cases;
- 2) Ignore the notices sent by this court prior to the case's dismissal; and then,

3) Fail to take any action on the case even after an Order of Dismissal is formally memorialized as a Recorded Document with an Official Records Book and Page Number, then a dismissal is absolutely what the Rule requires.

17. The Courts of this circuit and others across the state are under improper pressures to “clear their dockets” and to “solve the foreclosure crisis”. Reports are generated and statistics run which some improperly use to infer or suggest that foreclosure cases are not proceeding because of inefficiencies in the courthouse or the inability or unwillingness of judges to efficiently manage their dockets. The overwhelming majority of foreclosure cases are not defended at all, much less by any experienced foreclosure defense attorney that would significantly delay the case’s progress. The vast majority of “stalled” pre-judgment cases that currently clog the court’s docket in this circuit and across the state are cases where the Plaintiff, presumably for its own reasons, has failed to proceed to judgment. This court should not interpose its judgment in “reviving” those cases, but should respect the notice and dismiss provisions of the Rule and allow the Plaintiff to re-file its case when it has collected the evidence required to foreclose or when the Plaintiff’s business model suggests that taking back the title to the property at issue is in its best interests.

4. RECOVERING HUNDREDS OF THOUSANDS OF DOLLARS IN REVENUE THAT IS DUE TO THE COURTS AND TAXPAYERS

18. The courthouse belongs not just to the foreclosure mills and lenders that have choked the docket with cases that they cannot prove up then take title to or that they can prove up but choose not to take title to. The courthouses in this circuit and across the State of Florida belong to all citizens. Moreover, the Courts have an obligation to the taxpayers and citizens of this county and the State of Florida and an unprecedented opportunity to recover potentially hundreds of thousands of dollars in filing fees by applying the clear intent of the Rule as written. A simple

1996

IN THE CIRCUIT COURT
FOR PINELLAS COUNTY, FLORIDA

CASE NO. 09-003595-CI-020

CITIBANK N A
PLAINTIFF(S),

VS.

PHILLIPS CHRISTOPHER B
DEFENDANT(S).

NOTICE OF INTENT TO DISMISS
FOR FAILURE TO OBTAIN SERVICE

TO: ATTORNEY FOR PLAINTIFF

PURSUANT TO FLORIDA RULES OF CIVIL PROCEDURE 1.070. (I),
YOU ARE HEREBY NOTIFIED THAT THE COURT, ON ITS OWN MOTION,
WILL DISMISS THE ABOVE STYLED CASE, WITHOUT FURTHER NOTICE,
FOR FAILURE TO SHOW GOOD CAUSE WHY THE SERVICE WAS NOT OBTAINED
ON DOE JANE . A STATEMENT
MUST BE FILED IN WRITING WITH THE PRESIDING JUDGE FOR SECTION NO. 20
AT ROOM 489 - 315 COURT STREET, CLEARWATER, FLORIDA, 33756,
AT LEAST FIVE (5) DAYS PRIOR TO THE 17TH DAY OF AUGUST , 2009.
NO HEARING WILL BE HELD BY THE COURT UNLESS SPECIFICALLY REQUESTED AND
SCHEDULED ON THE COURTS CALENDAR.

DATED AND MAILED TO THE ADDRESS SHOWN BELOW BY U.S. MAIL THIS
15TH DAY OF JULY , 2009.

KERRY CUMMINGS
SUITE 400
900 S PINE ISLAND RD
PLANTATION

FL 33324

999499

1997

IN THE CIRCUIT COURT
FOR PINELLAS COUNTY, FLORIDA

CASE NO. 09-003595-CI-020

CITIBANK N A
PLAINTIFF(S),

VS.

PHILLIPS CHRISTOPHER B
DEFENDANT(S).

NOTICE OF INTENT TO DISMISS
FOR FAILURE TO OBTAIN SERVICE

TO: ATTORNEY FOR PLAINTIFF

PURSUANT TO FLORIDA RULES OF CIVIL PROCEDURE 1.070. (I),
YOU ARE HEREBY NOTIFIED THAT THE COURT, ON ITS OWN MOTION,
WILL DISMISS THE ABOVE STYLED CASE, WITHOUT FURTHER NOTICE,
FOR FAILURE TO SHOW GOOD CAUSE WHY THE SERVICE WAS NOT OBTAINED
ON DOE JOHN . A STATEMENT
MUST BE FILED IN WRITING WITH THE PRESIDING JUDGE FOR SECTION NO. 20
AT ROOM 489 - 315 COURT STREET, CLEARWATER, FLORIDA, 33756,
AT LEAST FIVE (5) DAYS PRIOR TO THE 17TH DAY OF AUGUST , 2009.
NO HEARING WILL BE HELD BY THE COURT UNLESS SPECIFICALLY REQUESTED AND
SCHEDULED ON THE COURTS CALENDAR.

DATED AND MAILED TO THE ADDRESS SHOWN BELOW BY U.S. MAIL THIS
15TH DAY OF JULY , 2009.

KERRY CUMMINGS
SUITE 400
900 S PINE ISLAND RD
PLANTATION

FL 33324

999599

1998

IN THE CIRCUIT COURT
FOR PINELLAS COUNTY, FLORIDA

CASE NO. 09-003595-CI-020

CITIBANK N A
PLAINTIFF(S),

VS.

PHILLIPS CHRISTOPHER B
DEFENDANT(S).

NOTICE OF INTENT TO DISMISS
FOR FAILURE TO OBTAIN SERVICE

TO: ATTORNEY FOR PLAINTIFF

PURSUANT TO FLORIDA RULES OF CIVIL PROCEDURE 1.070. (1), YOU ARE HEREBY NOTIFIED THAT THE COURT, ON ITS OWN MOTION, WILL DISMISS THE ABOVE STYLED CASE, WITHOUT FURTHER NOTICE, FOR FAILURE TO SHOW GOOD CAUSE WHY THE SERVICE WAS NOT OBTAINED ON ANY AND ALL UNKNOWN PARTIES . A STATEMENT MUST BE FILED IN WRITING WITH THE PRESIDING JUDGE FOR SECTION NO. 20 AT ROOM 489 - 315 COURT STREET, CLEARWATER, FLORIDA, 33756, AT LEAST FIVE (5) DAYS PRIOR TO THE 17TH DAY OF AUGUST , 2009. NO HEARING WILL BE HELD BY THE COURT UNLESS SPECIFICALLY REQUESTED AND SCHEDULED ON THE COURTS CALENDAR.

DATED AND MAILED TO THE ADDRESS SHOWN BELOW BY U.S. MAIL THIS 15TH DAY OF JULY , 2009.

KERRY CUMMINGS
SUITE 400
900 S PINE ISLAND RD
PLANTATION

FL 33324

999699

22. When the Court issued its Master Order pursuant to Rule 1.070(j), it was left with three options: (1) direct that service be effected within a specified time; (2) drop the certain named Defendants as a party to the instant lawsuit; or (3) dismiss the case without prejudice.

23. The Rule simply does not provide this court with any authority to, “Dismiss The Case as to Unknown Tenants” as this Order is currently being interpreted. In the matter of foreclosure cases, the courts should never *sua sponte*, “Drop The Certain Named Defendants As A Party to The Instant Lawsuit”. This court action may be an appropriate order for the court to execute in other civil matters when the effect of dropping the Defendant would prevent the Plaintiff from recovering from that Defendant but when, as is the case in a foreclosure action, the effect of dropping the Defendant strips that Defendant of fundamental due process rights and exposes that Defendant to the most severe and extreme court sanctioned power, the power to be forcibly removed from one’s place of abode.

24. By the express terms of the Master Order, the Court chose option three and dismissed the instant action without prejudice. Any further action or hearing on this case is therefore improper as the Court no longer holds jurisdiction over the matter and cannot render any further judgment for or against the Plaintiff.

25. The Master Order dismissing the case without prejudice leaves the parties as if no lawsuit was ever filed. Should the Plaintiff desire any additional relief from the Court, then, it must pay a new filing fee and re-file its complaint under a different case number.

WHEREFORE, because the Master Order has already dismissed the instant action without prejudice, the Defendants respectfully request this Court dismiss this case without prejudice pursuant to the terms of the Master Order, award attorneys fees, and any other relief that the Court may deem just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
U.S. Mail on this ^{26th} ~~17th~~ day of August, 2010 to KERRY CUMMINGS, Law Offices of David J.
Stern, P.A., 900 South Pine Island Road, Suite 400, Plantation, FL 33324-3920.

By: 

MATTHEW D. WEIDNER
Attorney for Defendant(s)
1229 Central Avenue
St. Petersburg, FL 33705
(727) 894-3159
FBN: 0185957

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020

THIS CAUSE, UPON THE COURTS OWN MOTION, PURSUANT TO FLORIDA
RULES OF CIVIL PROCEDURE 1.070(I), IT APPEARING THAT SERVICE
HAS NOT BEEN OBTAIN UPON THE DEFENDANT(S) IN THE FOLLOWING
CAUSES WITHIN 120 DAYS AFTER FILING THE INITIAL PLEADING
AND THE PLAINITFF, HAVING BEEN NOTICED THAT THE CAUSE OF
ACTION WOULD BE DISMISSED ON AUGUST 17, 2009, AND FURTHER
HAS MADE NO SHOWING OF CAUSE AS TO WHY SERVICE WAS NOT
MADE WITHIN THAT TIME, IT IS THEREFORE;

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE
ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE
PURSUANT TO RULE 1.070(I) OF THE FLORIDA RULES OF CIVIL PROCEDURE.

FILED
CIVIL COURT CLERK DEPT
2009 AUG 27 PM 4:34
CLERK OF COURT

DONE AND ORDERED IN CHAMBERS IN CLEARWATER/ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA THIS 27th DAY
OF August, 2009.


HON GEORGE JIROTKA

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020
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CASE NUMBER	PARTY	NOTE
09-001376-CI-020	TARA L OTT GTE FEDERAL CREDIT UNION OTT TARA L	
09-002353-CI-020	UNKNOWN SPOUSE OF WILLIAM L JOYER FIFTH THIRD MORTGAGE COMPANY JOYER WILLIAM L ET AL	
09-002361-CI-020	UNKNOWN TENANT ETC INDYMAC FEDERAL BANK FSB SINGH BELINDA ET AL A/K/A SINGH B	
09-002489-CI-020	ANY AND ALL UNKNOWN PARTIES ETC AURORA LOAN SERVICES LLC LEEB RICHARD E ET AL	*
09-002489-CI-020	JANE DOE ETC AURORA LOAN SERVICES LLC LEEB RICHARD E ET AL	*
09-002489-CI-020	JOHN DOE ETC AURORA LOAN SERVICES LLC LEEB RICHARD E ET AL	*
09-002497-CI-020	UNKNOWN SPOUSE OF JOYCE M SCHWENTER BANK OF AMERICA NA SCHWENTER JOYCE M ET AL A/K/A SCHWENTER JOYCE	
09-002497-CI-020	UNKNOWN TENANTS IN POSSESSION OF THE SUBJECT PROPERTY BANK OF AMERICA NA SCHWENTER JOYCE M ET AL A/K/A SCHWENTER JOYCE	
09-002570-CI-020	ANY AND ALL UNKNOWN PARTIES ETC AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	*

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CASE NUMBER	PARTY	NOTE
09-002570-CI-020	JANE DOE ETC AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	
09-002570-CI-020	JOHN DOE ETC AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	
09-002570-CI-020	UNKNOWN SPOUSE OF KATHY A THOMPSON AMTRUST BANK THOMPSON KATHY A ET AL A/K/A THOMPSON KATHY	
09-002769-CI-020	UNKNOWN TENANT ETC BANK OF AMERICA N A VASQUEZ MACEDONIO C ET AL	
09-002817-CI-020	UNKNOWN PERSONS IN POSSESSION OF THE SUBJECT PROPERTY DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE FOR AMERICAN HOME ETC CRAVEN JOHN ET AL	
09-002855-CI-020	ALL UNKNOWN PARTIES ETC WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	
09-002855-CI-020	SEAN MICHAEL BROWN A/K/A SEAN BROWN WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	
09-002855-CI-020	TENANT 1 ETC WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	

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CASE NUMBER	PARTY	NOTE
09-002855-CI-020	TENANT 2 ETC WELLS FARGO BANK N A BROWN SEAN MICHAEL ET AL A/K/A BROWN SEAN	
09-002877-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002877-CI-020	JANE DOE ETC U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002877-CI-020	UNKNOWN SPOUSE OF ALEKSANDER PRECAJ U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002877-CI-020	UNKNOWN SPOUSE OF MARIKE PRECAJ U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WACHOVIA LOAN TRUST 2006-AMN1 PRECAJ ALEKSANDER ET AL	
09-002896-CI-020	JANE DOE ETC CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	
09-002896-CI-020	JOHN DOE ETC CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	
09-002896-CI-020	UNKNOWN SPOUSE OF MIAOULIS ZORBAS CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	

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CASE NUMBER	PARTY	NOTE
09-002896-CI-020	MIAOULIS ZORBAS CITIMORTGAGE INC ZORBAS MIAOULIS ET AL	
09-002941-CI-020	MICHAEL F SCHMIDT MBNA AMERICA BANK N A SCHMIDT MICHAEL F	
09-003047-CI-020	ANY AND ALL UNKNOWN PARTIES ETC GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003047-CI-020	JANE DOE ETC GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003047-CI-020	JOHN DOE ETC GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003047-CI-020	UNKNOWN SPOUSE OF NITZA M TORRES GTE FEDERAL CREDIT UNION TORRES NITZA M ET AL	*
09-003160-CI-020	ANY AND ALL UNKNOWN PARTIES ETC CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL A/K/A MICHAEL MEGAN A/K/A MICHAEL MEGAN LEE MICHAEL MEGAN LEE LUMADUE	*
09-003160-CI-020	JANE DOE ETC CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL A/K/A MICHAEL MEGAN A/K/A MICHAEL MEGAN LEE MICHAEL MEGAN LEE LUMADUE	*

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CASE NUMBER	PARTY	NOTE
09-003160-CI-020	JOHN DOE ETC CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL	
A/K/A	MICHAEL MEGAN	
A/K/A	MICHAEL MEGAN LEE	
	MICHAEL MEGAN LEE LUMADUE	
09-003160-CI-020	UNKNOWN SPOUSE OF MEGAN LEE LUMADUE BURKE CITIMORTGAGE INC BURKE MEGAN LEE LUMADUE ET AL	
A/K/A	MICHAEL MEGAN	
A/K/A	MICHAEL MEGAN LEE	
	MICHAEL MEGAN LEE LUMADUE	
09-003167-CI-020	JANE DOE BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003167-CI-020	JOHN DOE ETC BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003167-CI-020	UNKNOWN SPOUSE OF DEBBRA LAWTON BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003167-CI-020	UNKNOWN SPOUSE OF DEREK J EDWARDS BANK OF NEW YORK MELLON TRUST COMPANY NATIONAL ASSOCIATION EDWARDS DEREK J ET AL	
09-003224-CI-020	ANY AND ALL UNKNOWN PARTIES ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020
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CASE NUMBER	PARTY	NOTE
09-003224-CI-020	JANE DOE ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003224-CI-020	JOHN DOE ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003224-CI-020	UNKNOWN SPOUSE OF GARY HAND IF ANY NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003224-CI-020	UNKNOWN SPOUSE OF JOAN M TAFFIC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK SUCCESSOR BY ETC HAND GARY ET AL	
09-003235-CI-020	MARCO A ALAMINA SYNOVUS BANK OF TAMPA BAY ALAMINA MARCO A	
09-003410-CI-020	ANY AND ALL UNKNOWN PARTIES ETC DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RALI2006QS8 MOULTON JENNIFER M	
09-003410-CI-020	JANE DOE ETC DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RALI2006QS8 MOULTON JENNIFER M	
09-003410-CI-020	JOHN DOE ETC DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RALI2006QS8 MOULTON JENNIFER M	

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020
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CASE NUMBER	PARTY	NOTE
09-003421-CI-020	UNKNOWN TENANTS IN POSSESSION ETC CHASE HOME FINANCE LLC KENNEDY STEPHEN J ET AL	
09-003440-CI-020	APRIL L VAN AKEN CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	IAN VAN AKEN CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	ANY AND ALL UNKNOWN PARTIES ETC CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	JANE DOE ETC CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003440-CI-020	JOHN DOE ETC CITIBANK N A SUCCESSOR BY MERGER TO CITIBANK FSB AKEN IAN VAN ET AL	
09-003485-CI-020	ALL UNKNOWN PARTIES ETC WELLS FARGO BANK N A AS SUCCESSOR BY MERGER TO WELLS FARGO ETC SULLIVAN BRYANT L ET AL A/K/A SULLIVAN BRYANT	
09-003485-CI-020	UNKNOWN PARTIES IN POSSESSION 1 WELLS FARGO BANK N A AS SUCCESSOR BY MERGER TO WELLS FARGO ETC SULLIVAN BRYANT L ET AL A/K/A SULLIVAN BRYANT	

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CASE NUMBER	PARTY	NOTE
09-003485-CI-020	UNKNOWN PARTIES IN POSSESSION 2 WELLS FARGO BANK N A AS SUCCESSOR BY MERGER TO WELLS FARGO ETC SULLIVAN BRYANT L ET AL	
A/K/A	SULLIVAN BRYANT	
09-003517-CI-020	UNKNOWN SPOUSE OF ESSIE RAYNER JONES JPMORGAN CHASE BANK NATIONAL ASSOCIATION AS PURCHASER OF THE LOANS AND OTHER ASSETS ETC RICHARDSON FELIX ET AL	*
09-003517-CI-020	UNKNOWN TENANT 1 JPMORGAN CHASE BANK NATIONAL ASSOCIATION AS PURCHASER OF THE LOANS AND OTHER ASSETS ETC RICHARDSON FELIX ET AL	*
09-003517-CI-020	UNKNOWN TENANT 2 JPMORGAN CHASE BANK NATIONAL ASSOCIATION AS PURCHASER OF THE LOANS AND OTHER ASSETS ETC RICHARDSON FELIX ET AL	*
09-003525-CI-020	ANY AND ALL UNKNOWN PARTIES ETC US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES ETC CHICHESTER ALAN N ET AL	
09-003525-CI-020	JANE DOE ETC US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES ETC CHICHESTER ALAN N ET AL	
09-003525-CI-020	JOHN DOE ETC US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE STRUCTURED ASSET SECURITIES ETC CHICHESTER ALAN N ET AL	
09-003595-CI-020	ANY AND ALL UNKNOWN PARTIES ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	

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CASE NUMBER	PARTY	NOTE
09-003595-CI-020	JANE DOE ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	
09-003595-CI-020	JOHN DOE ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	
09-004024-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK N A GONZALEZ JOSE ET AL	*
09-004024-CI-020	DOE JOHN U S BANK N A GONZALEZ JOSE ET AL	*
09-004024-CI-020	UNKNOWN SPOUSE OF JOSE GONZALEZ U S BANK N A GONZALEZ JOSE ET AL	*
09-004043-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	JANE DOE ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	JOHN DOE ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	UNKNOWN SPOUSE OF RANDALL GROF IF ANY U S BANK NA GROF RANDALL ET AL	*

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020
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CASE NUMBER	PARTY	NOTE
09-004069-CI-020	ANY AND ALL UNKNOWN PARTIES ETC COUNTRYWIDE HOME LOANS SERVICING L P MENDELOWITZ JEFFREY M ET AL	
09-004069-CI-020	JANE DOE ETC COUNTRYWIDE HOME LOANS SERVICING L P MENDELOWITZ JEFFREY M ET AL	
09-004069-CI-020	JOHN DOE ETC COUNTRYWIDE HOME LOANS SERVICING L P MENDELOWITZ JEFFREY M ET AL	
09-004076-CI-020	ANY AND ALL UNKNOWN PARTIES ETC AURORA LOAN SERVICES LLC BLUCK DENNIS ET AL	
09-004076-CI-020	JANE DOE ETC AURORA LOAN SERVICES LLC BLUCK DENNIS ET AL	
09-004076-CI-020	UNKNOWN SPOUSE OF DENNIS BLUCK IF ANY AURORA LOAN SERVICES LLC BLUCK DENNIS ET AL	
09-004125-CI-020	ANY AND ALL UNKNOWN PARTIES ETC GMAC MORTGAGE LLC SCARCELLA GINA	
09-004125-CI-020	DOE JANE GMAC MORTGAGE LLC SCARCELLA GINA	
09-004125-CI-020	UNKNOWN SPOUSE OF GINA SCARCELLA GMAC MORTGAGE LLC SCARCELLA GINA	

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020
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CASE NUMBER	PARTY	NOTE
09-004176-CI-020	ANY AND ALL UNKNOWN PARTIES	
	PFG LOANS INC	
D/B/A	PROVIDENT FUNDING GROUP INC	
	PATTON MICHAEL D	
	ET AL	
09-004176-CI-020	JANE DOE	
	ETC	
	PFG LOANS INC	
D/B/A	PROVIDENT FUNDING GROUP INC	
	PATTON MICHAEL D	
	ET AL	
09-004176-CI-020	JOHN DOE	
	ETC	
	PFG LOANS INC	
D/B/A	PROVIDENT FUNDING GROUP INC	
	PATTON MICHAEL D	
	ET AL	

UNOFFICIAL COPY

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

CITIBANK, N.A.,

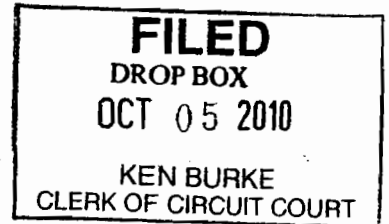
CASE NO. 09-003595-CI-20

PLAINTIFF,

v.

CHRISTOPHER PHILLIPS AND DIANE D. PHILLIPS,

DEFENDANTS.



**DEFENDANTS' SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANTS' MOTION TO EFFECTUATE DISMISSAL PURSUANT TO FINAL
ORDER**

COMES NOW, the Defendants CHRISTOPHER PHILLIPS and DIANE D. PHILLIPS (hereinafter "Defendants"), by and through the undersigned counsel MATTHEW D. WEIDNER, and respectfully files this SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO EFFECTUATE DISMISSAL PURSUANT TO FINAL ORDER, in the above entitled civil action, pursuant to Pinellas County Circuit Court Master Order Dismissal Calendar No. 070609-20, Fla. R. Civ. Pro. 1.070(j) and precedent case law, and in support thereof states as follows:

FACTS

1. This is an action for foreclosure of residential real property owned by the Defendants.
2. The named Plaintiff in this case is CITIBANK, N.A. (hereinafter "Plaintiff").
3. On September 10, 2010 the Honorable David Demers, Sixth Judicial Circuit Judge, entered an Order holding that the case of Countrywide Home Loans, Inc. v. Jack E. Hamersma, et al., Case No. 08-13605-CI-08 (Hon. David Demers presiding) had been dismissed pursuant to Master Order Dismissal Calendar No. 012009-008 and therefore the Court was without any

jurisdiction to take any further action in that case. That Court's Master Order Dismissal Calendar No. 012009-008 dismissing the Countywide v. Hamersma case is attached hereto and incorporated as Exhibit "A" and that Court's September 10, 2010 Order in that case is attached hereto and incorporated as "Exhibit B".

4. As will be discussed below, the facts of the Countrywide v. Hamersma case and the Master Order Dismissal Calendar No. 012009-008 are directly identical to the facts of the case at bar as well as Master Order Dismissal Calendar No. 070609-020 which was issued in this case. As such, the instant litigation has already been dismissed by Order of this Court.

5. Specifically with respect to the case at bar, on or about July 15, 2009 the Plaintiff was alerted by the Clerk of the Court of this Court's intention to dismiss the Plaintiff's complaint pursuant to Rule 1.070(j), Fla. R. Civ. Pro., for failure to obtain service of several certain named Defendants (hereinafter "Unknown Tenants") to this lawsuit. A copy of the July 15, 2009 notice is attached hereto and incorporated as Exhibit "C".

6. This Court must note the clear language of the July 15, 2009 notice which explicitly states that **"[the Plaintiff] is hereby notified that the Court, on its own motion, will dismiss the above styled case, without further notice, for failure to show good cause why the service was not obtained."** *Bold emphasis added.*

7. Notwithstanding this notice from the Clerk of the Court, the Plaintiff elected to take no further action with regard to the Unknown Tenants who had not properly been served after the filing of the complaint. As a result, and pursuant to Rule 1.070(j), this Court issued its Master Order Dismissal Calendar No. 070609-020 (hereinafter "the Master Order"), attached hereto as Exhibit "D", on or about August 27, 2009.

8. Although the Master Order cites Rule 1.070(I), it appears that this is a scrivener's error, and that the order was actually referring to Rule 1.070(j) as the Master Order reads "it appearing that service has not been obtained upon the Defendant(s) in the following causes within 120 days after filing the initial pleading..."

9. The Master Order then provides as follows:

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE PURSUANT TO RULE 1.070(I) OF THE FLORIDA RULES OF CIVIL PROCEDURE. *Bold emphasis.*

10. As such, the Master Order dismissed the instant case without prejudice to the Plaintiff's refiling. Moreover, the Master Order was a final order because the Master Order does not: (1) reserve jurisdiction to the Court to determine any additional factual or legal matters; or (2) remain contingent upon the performance or non-performance of some future event.

11. Notwithstanding the fact that the Master Order was a final order which the Plaintiff has not objected to, no final disposition has been entered in this case. Moreover, and despite the fact that the instant litigation has already been dismissed, the Plaintiff has elected to proceed with the instant action, including the filing of its Motion for Summary Judgment.

12. As such, this Motion to Effectuate the Master Order is necessary.

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION

I. The Master Order should be effectuated because this Court lacks any jurisdiction to take any further action with respect to the instant lawsuit after the issuance of the Master Order and because any Order correcting the Master Order would be a substantive change that must be taken up on appeal

A. Legal Standards

13. As previously mentioned, the Honorable David Demers entered an Order on September 10, 2010 in the case of Countrywide Home Loans, Inc. v. Jack E. Hamersma, et al., Case No. 08-

13605-CI-08 (Hon. David Demers presiding) which effectuated a Master Order of Dismissal which was identical in every aspect to the Master Order at issue here.

14. As that Court explicitly reasoned in its September 10, 2010 Order in the Countrywide v. Hamersma case, “[b]ecause the applicable period for re-hearing or appeal of this court’s [Master Order] have tolled, **this court is without jurisdiction to take any further action in this matter.**” *Bold emphasis added.*

15. Both the Master Order at issue in Countrywide v. Hamersma and the Master Order at issue in this case dismissed the respective cases without prejudice.

16. Once a court has dismissed a case, that court thereafter lacks jurisdiction to take any further action and any judgment or order entered thereafter is void, especially a final judgment of foreclosure. Put another way, **once a plaintiff suffers a dismissal of his or her cause of action, the court is without further jurisdiction and has no right to render any judgment either in the plaintiff’s favor or against him or her.** See Derma Lift Salon, Inc. v. Swanko, 419 So. 2d 1180 (Fla. 3d DCA 1982); Haft-Gaines Co. v. Reddick, 350 So. 2d 818 (Fla. 4th DCA 1977). See also Stone v. Stone, 691 So.2d 649 (Fla. 3d DCA 1997) (holding that “[b]ecause the petitioner voluntarily dismissed the underlying action, the trial court lacked subject matter jurisdiction to enter the subsequent orders adjudicating matters set forth in the underlying action”); 84 Lumber Co. v. Cooper, 656 So.2d 1297, 1298-99 (Fla. 2d DCA 1994) (holding that dismissal pursuant to Fla. R. Civ. Pro. 1.420(a), which permits voluntary dismissal, divests trial court of subject matter jurisdiction).

17. Indeed, after the final dismissal of a claim or complaint, either with or without prejudice, the trial court is without further “case jurisdiction” and cannot render a judgment of any kind in

the case. See Capital Bank v. Knuck, 537 So.2d 697 (Fla. 3d DCA 1989); Derma Lift Salon, Inc. v. Swanko, 419 So.2d 1180 (Fla. 3d DCA 1982); 1 Fla. Jur.2d Actions §220 (1997).

18. Testing whether a trial court's order dismissing a complaint is a final or non-final order (and therefore whether the trial court loses jurisdiction instantly upon issuance of an order or whether jurisdiction is lost sometime in the future), rests on: (1) whether the order expressly reserves jurisdiction for the court to determine any additional factual or legal matters; or (2) whether the order is contingent upon the performance or non-performance of some future event. See ATM Ltd. v. Caporicci Footwear Ltd., Corp., 867 So.2d 413 (Fla. 3d DCA 2003) (holding that an order dismissing case pursuant to Rule 1.070(j) was not final only because the order provided the plaintiff leave to file any motion showing good cause why service was not effectuated within the 120 day time period). See also United Water Fla., Inc. v. Florida Pub. Serv. Comm'n, 728 So.2d 1250 (Fla. 1st DCA 1999) (holding that order which purported to become final on a certain future date in the absence of a petition for a formal hearing was not a final order); Department of Transp. v. Post, Buckley, Schuh & Jernigan, 557 So.2d 145 (Fla. 1st DCA 1990) (holding that order, which purported to dismiss cause for failure to prosecute subject to reinstatement for good cause shown by motion, was not final order dismissing the case because the order was subject to reinstatement for a showing of good cause within 20 days of the date of the order); Newman v. Newman, 858 So.2d 1273 (Fla. 1st DCA 2003) (holding that an order, which purported to be a final order on dissolution of marriage, was not a final because the order reserved to the court jurisdiction to decide a factual dispute regarding certain bank and investment accounts).

19. A judgment of dismissal without prejudice, that is, one not involving the merits of the case, leaves the parties as if no suit had been instituted. Epstein v. Ferst, 35 Fla. 498, 17 So. 414 (Fla. 1895).

20. Such a judgment is not *res judicata* and hence is no bar to a subsequent action on the same subject matter. Rountree v. Rountree, 72 So. 2d 794, 796 (Fla. 1954). Fla. R. Civ.

21. Pro. 1.420(b) therefore allows the refiling of a complaint which has been dismissed without prejudice because the dismissal does not act as an “adjudication on the merits”; nevertheless, the plaintiff is still required to refile her case and pay the court the applicable filing fee.

22. It is imperative that this Court take note of the words of the Fourth District in Eposito v. Horning, 416 So. 2d 896 (Fla. 4th DCA 1982) which eloquently held that “**jurisdiction is not a question a court can take or leave, and a judgment entered without jurisdiction is void.**” *Id* at 898. *Bold emphasis added. See also Gonzalez v. Totalbank*, 472 So. 2d 861 (Fla. 3d DCA 1985) (holding a final default judgment void for lack of jurisdiction).

23. Moreover, **a void judgment made be vacated by motion and corrected at any time.** *See Fla. R. Civ. Pro. 1.540(b); DeClaire v. Yohana*, 453 So. 2d 375 (Fla. 1984); Falkner v. Amerifirst Federal Savings and Loan, 489 So. 2d 758 (Fla. 3d DCA 1986); Gonzalez v. Totalbank, 472 So. 2d 861 (Fla. 3d DCA 1985).

24. Most importantly to this case, with respect to dismissals without prejudice pursuant to Fla. R. Civ. Pro. 1.070(j), “although Rule 1.070(j) permits the refiling of the suit after it has been dismissed without prejudice, the net effect of a **dismissal under this Rule is to preclude the...part[ies] from proceeding further by amendment in the dismissed suit.**” Murphy v. WISU Properties, Ltd., 895 So. 2d 1088, 1095 (Fla. 3d DCA 2004). *Bold emphasis added.*

25. For its part, Fla. R. Civ. Pro. 1.070(j) provides, in pertinent part, that

[i]f service of an initial process and initial pleading is not made upon a defendant within 120 days after filing of the initial pleading directed to that defendant the court, on its own initiative after notice or on motion, shall direct that service be effected within a specified time **or shall dismiss the action without prejudice or drop that defendant as a party**; provided that if the plaintiff shows good cause or excusable neglect for the failure, the court shall extend the time for service for an appropriate period. *Bold emphasis added.*

26. The Rule, then, provides the trial court with three options *and only three options* when a plaintiff has not properly served a defendant within 120 days after filing the initial pleading. These options are: (1) direct that service be effected within a specified time; (2) dismiss the action without prejudice; or (3) drop that defendant as a party. Chaffin v. Jacobson, 793 So. 2d 102, 103-04 (Fla. 2d DCA 2001). *See also* Premier v. Davalle, 994 So. 2d 360 (Fla. 3d DCA 2008); Vaught v. Mcneil, 34 Fla. L. Weekly D1503c (Fla. 1st DCA 2009); Miranda v. Young, 34 Fla. L. Weekly D207a (Fla. 2d DCA 2009); Sly v. McKeithen, Case No. 1D09-089 (Fla. 1st DCA).

27. The principle behind the Rule is to allow circuit courts ability to manage its docket. *See Chaffin*, 793 So. 2d at 104 (“**the purpose of Rule 1.070(j) is to speed the progress of cases on the civil docket...**”) *See also* Skrbic v. QCRC Assocs. Corp., 761 So. 2d 349, 354 (Fla. 3d DCA 2000).

28. Moreover, the Appellate Courts have expressly affirmed trial court orders dismissing cases without prejudice for failure to effectuate service within the 120 day time period. *See e.g.* Hernandez v. Page, 580 So.2d 793 (Fla. 3d DCA 1991) (affirming trial court’s order dismissing claim without prejudice because settlement negotiations with named defendants did not justify failure to effect service within the 120 day time period); Van Epps v. Barrow, 590 So. 2d 50

(Fla. 4th DCA 1991) (holding that action was properly dismissed without prejudice for failure to effect service within 120 days from initial filing).

29. Finally, in Malone v. Percival, 875 So. 2d 1286 (Fla. 2d DCA 2004), the Second District held that “[a] trial court may correct a clerical error ‘at any time on its own initiative’ pursuant to Florida Rule of Civil Procedure 1.540(a), but **judicial errors, which include errors that affect the substance of a judgment, must be corrected within ten days pursuant to Florida Rule of Civil Procedure 1.530(g), or by appellate review.**” *Id.* at 1288 (quoting Bolton v. Bolton, 787 So. 2d 237, 238-39 (Fla. 2d DCA 2001)). *Bold emphasis added.*

30. The Malone court went on to note that

[a]s stated in Byers v. Callahan, 848 So.2d 1180, 1184 (Fla. 2d DCA 2003), [t]he ‘clerical mistakes’ referred to by Rule 1.540(a) are only ‘errors or mistakes arising from accidental slip or omission, and not errors or mistakes in the substance of what is decided by the judgment or order.’ Town of Hialeah Gardens v. Hendry, 376 So.2d 1162, 1164 (Fla. 1979) (quoting Keller v. Belcher, 256 So.2d 561, 563 (Fla. 3d DCA 1971)). Malone at 1288.

B. Argument

31. It is abundantly clear based upon the case law cited and the particular facts of this case that the instant litigation has been dismissed without prejudice and that this Court no longer entertained any jurisdiction whatsoever over the instant litigation once the Master Order was issued.

32. Specifically, the Plaintiff received notice from the Clerk of the Court that this case would be dismissed without prejudice pursuant to Rule 1.070(j) on or about July 15, 2009.

33. Notwithstanding this notice, the Plaintiff elected to take no further action to ensure that it was in compliance with the Rule. Based upon the Plaintiff’s failure to adhere to Rule 1.070(j), this Court was forced to issue its Master Order on or about August 27, 2009.

34. The Master Order plainly articulates that the instant case is “**HEREBY DISMISSED WITHOUT PREJUDICE.**”

35. The language of the Master Order is therefore clear, unambiguous and operative legal language that cannot be ignored and the clear language of the Master Order must be given its full weight and legal effect.

36. The Master Order was also a final order because it does not: (1) reserve jurisdiction to the Court to determine any additional factual or legal matters; or (2) remain contingent upon the performance or non-performance of some future event.

37. The net effect of the Master Order, then, was to leave both parties as if no suit had been instituted and to divest this Court of all jurisdiction over the matter.

38. Once the Court dismissed the instant action without prejudice, however, this Court was without further “case jurisdiction” and could not render a judgment of any kind in the case. As such, any further action taken by this Court, such as a final judgment in favor of the Plaintiff, would be void and therefore could be vacated at any time.

39. Moreover, any order issued by this Court after the issuance of its Master Order in an attempt to remedy any possible mistake of the Master Order would be substantive in nature.

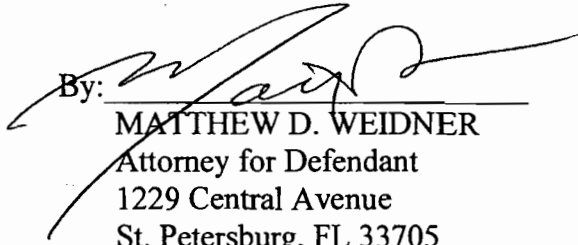
40. Since it has been **over thirteen months** since the Master Order was first filed, it may only be through appellate review that any substantive error in the Master Order be remedied.

41. Therefore, while the Plaintiff may avail itself to courts of this State for the relief requested in its initial complaint, it must refile its action and pay the applicable court fee.

WHEREFORE, based upon the foregoing, the Defendants respectfully request this Court Effectuate the Master Order of Dismissal and any other relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail on this 4th day of October, 2010 to KERRY CUMMINGS, Law Offices of David J. Stern, P.A., 900 South Pine Island Road, Suite 400, Plantation, FL 33324-3920.

By: 
MATTHEW D. WEIDNER
Attorney for Defendant
1229 Central Avenue
St. Petersburg, FL 33705
(727) 894-3159
FBN: 0185957

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

MASTER ORDER DISMISSAL CALENDAR NO. 012009-008

THIS CAUSE, UPON THE COURTS OWN MOTION, PURSUANT TO FLORIDA
RULES OF CIVIL PROCEDURE 1.070 (I), IT APPEARING THAT SERVICE
HAS NOT BEEN OBTAIN UPON THE DEFENDANT(S) IN THE FOLLOWING
CAUSES WITHIN 120 DAYS AFTER FILING THE INITIAL PLEADING
AND THE PLAINTIFF, HAVING BEEN NOTICED THAT THE CAUSE OF
ACTION WOULD BE DISMISSED ON MARCH 02, 2009, AND FURTHER
HAS MADE NO SHOWING OF CAUSE AS TO WHY SERVICE WAS NOT
MADE WITHIN THAT TIME, IT IS THEREFORE;

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE
ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE
PURSUANT TO RULE 1.070 (I) OF THE FLORIDA RULES OF CIVIL PROCEDURE.

DONE AND ORDERED IN CHAMBERS IN CLEARWATER/ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA THIS _____ DAY
OF _____, 2009.

[Handwritten signature]

HON DAVID A DEMERS

FILED
CIVIL COURT ROOM DEPT
2009 MAR 11 PM 2:09

EXHIBIT " A "

MASTER ORDER DISMISSAL CALENDAR NO. 012009-008
PAGE 18

CASE NUMBER	PARTY	NOTE
08-013507-CI-008	UNKNOWN TENANT 1 CITIMORTGAGE INC SMITH DONALD J	
08-013507-CI-008	UNKNOWN TENANT 2 CITIMORTGAGE INC SMITH DONALD J	*
08-013511-CI-008	ANY UNKNOWN HEIRS ETC DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR ETC GUESS ZELMA JOYCE	
08-013511-CI-008	UNKNOWN SPOUSE OF ZELMA JOYCE GUESS DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR ETC GUESS ZELMA JOYCE	
08-013511-CI-008	UNKNOWN TENANT 2 ETC DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR ETC GUESS ZELMA JOYCE	
08-013532-CI-008	ANY AND ALL UNKNOWN PARTIES ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK BAKER AMY ET AL	
08-013532-CI-008	JOHN DOE ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK BAKER AMY ET AL	
08-013532-CI-008	UNKNOWN SPOUSE OF AMY BAKER IF ANY NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK BAKER AMY ET AL	
08-013605-CI-008	UNKNOWN SPOUSE OF JACK E HAMERSMA COUNTRYWIDE HOME LOANS INC HAMERSMA JACK E AS TRUSTEE UNDER DEVLARATION OF TRUST ET AL	*

A/K/A HAMERESMA JACK E

MASTER ORDER DISMISSAL CALENDAR NO. 012009-008
PAGE 19

CASE NUMBER	PARTY	NOTE
08-013605-CI-008	UNKNOWN TENANT I COUNTRYWIDE HOME LOANS INC HAMERSMA JACK E AS TRUSTEE UNDER DEVLARATION OF TRUST ET AL	
A/K/A	HAMERESMA JACK E	
08-013605-CI-008	UNKNOWN TENANT II COUNTRYWIDE HOME LOANS INC HAMERSMA JACK E AS TRUSTEE UNDER DEVLARATION OF TRUST ET AL	
A/K/A	HAMERESMA JACK E	
08-013614-CI-008	ERIC SCHAUS GEICO INDEMNITY COMPANY DEMCHENKO ELENA SCHAUS ERIC	
08-013656-CI-008	TENANT 1 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	TENANT 2 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	TENANT 3 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	TENANT 4 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	UNKNOWN SPOUSE OF BONNIE L JOHNSON JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	UNKNOWN SPOUSE OF BRUCE A JOHNSON JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013664-CI-008	UNKNOWN SPOUSE OF DONALD HALL WELLS FARGO BANK N A AS TRUSTEE ETC HALL DONALD JR ET AL	
A/K/A	HALL DONALD E JR	

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

COUNTRYWIDE HOME LOANS, INC
PLAINTIFF

CASE NO. 08-13605-CI-08

v.

JACK E. HAMERSMA A/K/A JACK E.
HAMERESMA, AS TRUSTEE UNDER
DECLARATION OF TRUST OF JACK E.
HAMERSMA, SETTLER, DATED 01/09/1984,
ET. AL.

DEFENDANT /

ORDER

THIS MATTER, having come on consideration from the Defendant's Motion to Effectuate Dismissal and the court having reviewed the Motion and facts of the case and accepted argument of counsel it is hereby:

ORDERED AND ADJUDGED that:

1. This case was dismissed pursuant to a Final Order of Dismissal that was entered by this court on March 5, 2009.
2. Because the applicable period for re-hearing or appeal of this court's Final Order have tolled, this court is without jurisdiction to take any further action in this matter.

DONE AND ORDERED in chambers, Pinellas County, Florida on this the 10th
day of September 2010.


Hon. David Demers

ORIGINAL SIGNED
TRUE COPY

SEP 10 2010

DAVID A. DEMERS
Circuit Judge

cc: Matthew Weidner, Esq.
Erin Prete, Esq.
Wells Fargo, NA
Pinellas County Clerk of Court

EXHIBIT " B "

1997

IN THE CIRCUIT COURT
FOR PINELLAS COUNTY, FLORIDA

CASE NO. 09-003595-CI-020

CITIBANK N A
PLAINTIFF(S),

VS.

PHILLIPS CHRISTOPHER B
DEFENDANT(S).

NOTICE OF INTENT TO DISMISS
FOR FAILURE TO OBTAIN SERVICE

TO: ATTORNEY FOR PLAINTIFF

PURSUANT TO FLORIDA RULES OF CIVIL PROCEDURE 1.070. (I), YOU ARE HEREBY NOTIFIED THAT THE COURT, ON ITS OWN MOTION, WILL DISMISS THE ABOVE STYLED CASE, WITHOUT FURTHER NOTICE, FOR FAILURE TO SHOW GOOD CAUSE WHY THE SERVICE WAS NOT OBTAINED ON DOE JOHN . A STATEMENT MUST BE FILED IN WRITING WITH THE PRESIDING JUDGE FOR SECTION NO. 20 AT ROOM 489 - 315 COURT STREET, CLEARWATER, FLORIDA, 33756, AT LEAST FIVE (5) DAYS PRIOR TO THE 17TH DAY OF AUGUST , 2009. NO HEARING WILL BE HELD BY THE COURT UNLESS SPECIFICALLY REQUESTED AND SCHEDULED ON THE COURTS CALENDAR.

DATED AND MAILED TO THE ADDRESS SHOWN BELOW BY U.S. MAIL THIS 15TH DAY OF JULY , 2009.

KERRY CUMMINGS
SUITE 400
900 S PINE ISLAND RD
PLANTATION

FL 33324

999599

EXHIBIT " C "

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION


MASTER ORDER DISMISSAL CALENDAR NO. 070609-020

THIS CAUSE, UPON THE COURTS OWN MOTION, PURSUANT TO FLORIDA
RULES OF CIVIL PROCEDURE 1.070(I), IT APPEARING THAT SERVICE
HAS NOT BEEN OBTAIN UPON THE DEFENDANT(S) IN THE FOLLOWING
CAUSES WITHIN 120 DAYS AFTER FILING THE INITIAL PLEADING
AND THE PLAINTIFF, HAVING BEEN NOTICED THAT THE CAUSE OF
ACTION WOULD BE DISMISSED ON AUGUST 17, 2009, AND FURTHER
HAS MADE NO SHOWING OF CAUSE AS TO WHY SERVICE WAS NOT
MADE WITHIN THAT TIME, IT IS THEREFORE;

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE
ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE
PURSUANT TO RULE 1.070(I) OF THE FLORIDA RULES OF CIVIL PROCEDURE.

FILED
CIVIL COURT REC DEPT
2009 AUG 27 PM 4:34
KEN BURKE
CLERK OF CIRCUIT COURT

DONE AND ORDERED IN CHAMBERS IN CLEARWATER/ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA THIS 27th DAY
OF August, 2009.



HON GEORGE JIROTKA

EXHIBIT " D "

MASTER ORDER DISMISSAL CALENDAR NO. 070609-020
PAGE 9

CASE NUMBER	PARTY	NOTE
09-003595-CI-020	JANE DOE ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	
09-003595-CI-020	JOHN DOE ETC CITIBANK N A PHILLIPS CHRISTOPHER B ET AL	
09-004024-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK N A GONZALEZ JOSE ET AL	*
09-004024-CI-020	DOE JOHN U S BANK N A GONZALEZ JOSE ET AL	*
09-004024-CI-020	UNKNOWN SPOUSE OF JOSE GONZALEZ U S BANK N A GONZALEZ JOSE ET AL	*
09-004043-CI-020	ANY AND ALL UNKNOWN PARTIES ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	JANE DOE ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	JOHN DOE ETC U S BANK NA GROF RANDALL ET AL	*
09-004043-CI-020	UNKNOWN SPOUSE OF RANDALL GROF IF ANY U S BANK NA GROF RANDALL ET AL	*

COPIES

EXHIBIT

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CASE NO. 09-3595-CI-20

Citibank, N.A.,

Plaintiff(s),

vs.

Phillips et al.,
Defendant(s).

FILED
CIVIL COURT RECORDS DEPT.
10 DEC -7 PM 4:35
NEN BURKE
CLERK OF CIRCUIT COURT

ORDER

THE FOREGOING CAUSE coming on this day to be heard upon _____

Defendants' Motion to
Effectuate Dismissal of this
Action . . .

and the same having been argued by counsel for the respective parties, and duly considered by the Court, it is hereby

ORDERED that said Motion be and
is denied.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida
this 20 day of December, 2010.

[Signature]
CIRCUIT JUDGE

cc: Kimberly Shanley, Esq.
Matthew Weidner, Esq.

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

CASE NO. 09-003595-CI-20

CITIBANK N A
PLAINTIFF(S),

VS.

PHILLIPS CHRISTOPHER B
DEFENDANT(S).

NOTICE OF LACK OF PROSECUTION

TO: ATTORNEY FOR DEFENDANT
DAVID E PLATTE

ATTORNEY FOR PLAINTIFF
KERRY CUMMINGS

PLEASE TAKE NOTICE THAT IT APPEARS ON THE FACE OF THE RECORD THAT NO ACTIVITY BY FILING OF PLEADINGS, ORDER OF COURT, OR OTHERWISE HAS OCCURRED FOR A PERIOD OF 10 MONTHS IMMEDIATELY PRECEDING SERVICE OF THIS NOTICE, AND NO STAY HAS BEEN ISSUED OR APPROVED BY THE COURT. PURSUANT TO THE RULE 1.420(E), IF NO SUCH RECORD ACTIVITY OCCURS WITHIN 60 DAYS FOLLOWING THE SERVICE OF THIS NOTICE, AND IF NO STAY IS ISSUED OR APPROVED DURING SUCH 60-DAY PERIOD, THIS ACTION MAY BE DISMISSED BY THE COURT ON ITS OWN MOTION OR ON THE MOTION OF ANY INTERESTED PERSON, WHETHER A PARTY TO THE ACTION OR NOT, AFTER REASONABLE NOTICE TO THE PARTIES, UNLESS A PARTY SHOWS GOOD CAUSE IN WRITING AT LEAST 5 DAYS BEFORE THE HEARING ON THE MOTION OR PRIOR TO SEPTEMBER 7, 2010 WHY THE ACTION SHOULD REMAIN PENDING.

DATED AND MAILED TO THE ADDRESS SHOWN BELOW BY U.S. MAIL THIS
7TH DAY OF JULY , 2010.



ATTORNEY FOR DEFENDANT
DAVID E PLATTE
ATTORNEY AT LAW
603 INDIAN ROCKS ROAD
BELLEAIR FL 33756

KEN BURKE
CLERK OF THE CIRCUIT COURT

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

MASTER ORDER DISMISSAL CALENDAR NO. 012009-008

THIS CAUSE, UPON THE COURTS OWN MOTION, PURSUANT TO FLORIDA
RULES OF CIVIL PROCEDURE 1.070(I), IT APPEARING THAT SERVICE
HAS NOT BEEN OBTAIN UPON THE DEFENDANT(S) IN THE FOLLOWING
CAUSES WITHIN 120 DAYS AFTER FILING THE INITIAL PLEADING
AND THE PLAINTIFF, HAVING BEEN NOTICED THAT THE CAUSE OF
ACTION WOULD BE DISMISSED ON MARCH 02, 2009, AND FURTHER
HAS MADE NO SHOWING OF CAUSE AS TO WHY SERVICE WAS NOT
MADE WITHIN THAT TIME, IT IS THEREFORE;

ORDERED AND ADJUDGED THAT THE CASES, AS INDICATED ON THE
ATTACHED LISTING, ARE HEREBY DISMISSED WITHOUT PREJUDICE
PURSUANT TO RULE 1.070(I) OF THE FLORIDA RULES OF CIVIL PROCEDURE.

DONE AND ORDERED IN CHAMBERS IN CLEARWATER/ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA THIS _____ DAY
OF _____, 2009.

HON DAVID A DEMERS

FILED
CIVIL COURT REC DEPT
2009 MAR 11 PM 2:09

MASTER ORDER DISMISSAL CALENDAR NO. 012009-008
PAGE 18

CASE NUMBER	PARTY	NOTE
08-013507-CI-008	UNKNOWN TENANT 1 CITIMORTGAGE INC SMITH DONALD J	
08-013507-CI-008	UNKNOWN TENANT 2 CITIMORTGAGE INC SMITH DONALD J	
08-013511-CI-008	ANY UNKNOWN HEIRS ETC DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR ETC GUESS ZELMA JOYCE	
08-013511-CI-008	UNKNOWN SPOUSE OF ZELMA JOYCE GUESS DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR ETC GUESS ZELMA JOYCE	
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08-013532-CI-008	ANY AND ALL UNKNOWN PARTIES ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK BAKER AMY ET AL	
08-013532-CI-008	JOHN DOE ETC NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK BAKER AMY ET AL	
08-013532-CI-008	UNKNOWN SPOUSE OF AMY BAKER IF ANY NATIONAL CITY MORTGAGE A DIVISION OF NATIONAL CITY BANK BAKER AMY ET AL	
08-013605-CI-008	UNKNOWN SPOUSE OF JACK E HAMERSMA COUNTRYWIDE HOME LOANS INC HAMERSMA JACK E AS TRUSTEE UNDER DEVLARATION OF TRUST ET AL A/K/A HAMERESMA JACK E	

MASTER ORDER DISMISSAL CALENDAR NO. 012009-008
PAGE 19

CASE NUMBER	PARTY	NOTE
08-013605-CI-008	UNKNOWN TENANT I COUNTRYWIDE HOME LOANS INC HAMERSMA JACK E AS TRUSTEE UNDER DEVLARATION OF TRUST ET AL	
A/K/A	HAMERESMA JACK E	
08-013605-CI-008	UNKNOWN TENANT II COUNTRYWIDE HOME LOANS INC HAMERSMA JACK E AS TRUSTEE UNDER DEVLARATION OF TRUST ET AL	*
A/K/A	HAMERESMA JACK E	
08-013614-CI-008	ERIC SCHAUS GEICO INDEMNITY COMPANY DEMCHENKO ELENA SCHAUS ERIC	
08-013656-CI-008	TENANT 1 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	TENANT 2 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	TENANT 3 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	TENANT 4 JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	UNKNOWN SPOUSE OF BONNIE L JOHNSON JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013656-CI-008	UNKNOWN SPOUSE OF BRUCE A JOHNSON JPMORGAN CHASE BANK NA JOHNSON BRUCE A ET AL	
08-013664-CI-008	UNKNOWN SPOUSE OF DONALD HALL WELLS FARGO BANK N A AS TRUSTEE ETC HALL DONALD JR ET AL	*
A/K/A	HALL DONALD E JR	

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

COUNTRYWIDE HOME LOANS, INC
PLAINTIFF

CASE NO. 08-13605-CI-08

v.

JACK E. HAMERSMA A/K/A JACK E.
HAMERESMA, AS TRUSTEE UNDER
DECLARATION OF TRUST OF JACK E.
HAMERSMA, SETTLER, DATED 01/09/1984,
ET. AL.

DEFENDANT /

ORDER

THIS MATTER, having come on consideration from the Defendant's Motion to
Effectuate Dismissal and the court having reviewed the Motion and facts of the case and
accepted argument of counsel it is hereby:

ORDERED AND ADJUDGED that:

1. This case was dismissed pursuant to a Final Order of Dismissal that was entered
by this court on March 5, 2009.
2. Because the applicable period for re-hearing or appeal of this court's Final Order
have tolled, this court is without jurisdiction to take any further action in this
matter.

DONE AND ORDERED in chambers, Pinellas County, Florida on this the 10th
day of September 2010.


Hon. David Demers

cc: Matthew Weidner, Esq.
Erin Prete, Esq.
Wells Fargo, NA
Pinellas County Clerk of Court

ORIGINAL SIGNED
TRUE COPY

SEP 10 2010

DAVID A. DEMERS
Circuit Judge

CIRCUIT COURT, PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION

MASTER ORDER DISMISSAL CALENDAR NO. 092010-011

THIS CAUSE, UPON THE COURTS OWN MOTION, AFTER HAVING BEEN NOTICED PURSUANT TO RULE 1.420(E), FLORIDA RULES OF CIVIL PROCEDURE THAT THE CAUSE OF ACTION WOULD BE DISMISSED ON NOVEMBER 29, 2010, THERE WAS NO RECORD ACTIVITY DURING THE MONTHS IMMEDIATELY PRECEDING SERVICE OF THE FOREGOING NOTICE; THERE WAS NO RECORD ACTIVITY DURING THE 60 DAYS IMMEDIATELY FOLLOWING SERVICE OF THE FOREGOING NOTICE; NO STAY HAS BEEN ISSUED OR APPROVED BY THE COURT; AND NO PARTY HAS SHOWN GOOD CAUSE WHY THE ACTION SHOULD REMAIN PENDING. ACCORDINGLY,

IT IS ORDERED THAT THE CASES, AS INDICATED ON THE ATTACHED LISTING, ARE DISMISSED FOR LACK OF PROSECUTION.

DONE AND ORDERED IN CHAMBERS IN CLEARWATER/ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA THIS 6th, DAY
OF December, 2010.



HON PAMELA CAMPBELL

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KEN BURKE
CLERK OF PINELLAS COUNTY

MASTER ORDER DISMISSAL CALENDAR NO. 092010-011
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CASE NUMBER	PARTY	NOTE
* 06-006046-CI-011	KASH N KARRY FOOD STORES INC OLIVERIA CESAR KASH N KARRY INC	
* 06-006046-CI-011	KASH N KARRY INC OLIVERIA CESAR KASH N KARRY INC	*
* 06-008787-CI-011	CAROL G BROWN CROWN ENTERPRISES LLC ETC ET AL BROWN CAROL G	
* 07-006432-CI-011	DEAN T CAMPBELL WILLIAMS RICHARD WAGNER JOHN ETC ET AL	
* 07-011991-CI-011	MICHAEL E DILTS BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWMS ETC RED WINE INVESTMENTS LLC ET AL	*
* 07-011991-CI-011	DESIREE GLOWA-ECKERT F/K/A JANE DOE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWMS ETC RED WINE INVESTMENTS LLC ET AL	*
* 07-011991-CI-011	RED WINE INVESTMENTS LLC BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWMS ETC RED WINE INVESTMENTS LLC ET AL	*
* 07-011991-CI-011	U S EQUITY LLC AS TRUSTEE UNDER THE PROVISIONS OF A TRUST ETC BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWMS ETC RED WINE INVESTMENTS LLC ET AL	*
* 08-001704-CI-011	KATIA DIAZ U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR STRUCTURED ASSET SECURITIES ETC RODRIGUEZ HEBER ET AL	

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* 08-001704-CI-011	HEBER RODRIGUEZ U S BANK NATIONAL ASSOCIATION AS TRUSTEE FOR STRUCTURED ASSET SECURITIES ETC RODRIGUEZ HEBER ET AL	
08-004036-CI-011	LEONA ALAMINA WASHINGTON MUTUAL BANK AS SUCCESSOR IN INTEREST TO LONG BEACH ETC ALAMINA MARCO A ET AL	*
08-004036-CI-011	MARCO A ALAMINA WASHINGTON MUTUAL BANK AS SUCCESSOR IN INTEREST TO LONG BEACH ETC ALAMINA MARCO A ET AL	*
08-004036-CI-011	CONTEMPORARY HOUSES LLC AS TRUSTEE UNDER THE ALAMINA TRUST DATED ETC WASHINGTON MUTUAL BANK AS SUCCESSOR IN INTEREST TO LONG BEACH ETC ALAMINA MARCO A ET AL	*
08-004036-CI-011	UNKNOWN BENEFICIARIES OF THE ALAMINA TRUST DATED FEBRUARY ETC WASHINGTON MUTUAL BANK AS SUCCESSOR IN INTEREST TO LONG BEACH ETC ALAMINA MARCO A ET AL	*
* 08-011664-CI-011	BRYANT ALYNN F/K/A UNKNOWN TENANT 1 BANK OF NEW YORK AS TRUSTEE FOR CERTIFICATEHOLDERS CWABS INC ETC BRYANT DEBRA S ET AL	
* 08-011664-CI-011	DEBRA S BRYANT BANK OF NEW YORK AS TRUSTEE FOR CERTIFICATEHOLDERS CWABS INC ETC BRYANT DEBRA S ET AL	
* 08-011664-CI-011	LARRY W BRYANT BANK OF NEW YORK AS TRUSTEE FOR CERTIFICATEHOLDERS CWABS INC ETC BRYANT DEBRA S ET AL	

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08-013105-CI-011	GERALDA J LANGFORD A/K/A GERALDA LANGFORD WASHINGTON MUTUAL BANK FA LANGFORD GERALDA J ET AL	
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08-013105-CI-011	MANAGEMENT SOLUTIONS INCORPORATED WASHINGTON MUTUAL BANK FA LANGFORD GERALDA J ET AL	
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08-013105-CI-011	ST PETERSBURG CITY OF WASHINGTON MUTUAL BANK FA LANGFORD GERALDA J ET AL	
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08-013105-CI-011	WACHOVIA BANK NATIONAL ASSOCIATION F/K/A BANK OF FLORIDA NA-SOUTHTRUST WASHINGTON MUTUAL BANK FA LANGFORD GERALDA J ET AL	
A/K/A	LANGFORD GERALDA	
08-013782-CI-011	RICHARD T TOGSTAD JENKINS ERNEST-LEE ET AL TOGSTAD RICHARD T	
* 08-017818-CI-011	BEIRE J CRUZ-POZO COUNTRYWIDE HOME LOANS INC NIEVES-MUNOZ DAIME C ET AL	*
* 08-017818-CI-011	DAIME C NIEVES-MUNOZ COUNTRYWIDE HOME LOANS INC NIEVES-MUNOZ DAIME C ET AL	*
08-018299-CI-011	TATOUAGE INC A FLORIDA CORPORATION ET AL BANK OF AMERICA N A TATOUAGE INC A FLORIDA CORPORATION ET AL	

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08-018299-CI-011	GUY L YOVAN AN INDIVIDUAL BANK OF AMERICA N A TATOUAGE INC A FLORIDA CORPORATION ET AL	
08-018571-CI-011	DAVID E HEWITT ATLANTIC CREDIT AND FINANCE INC BANK OF AMERICA HEWITT DAVID E	
* 08-019570-CI-011	TOM NATALE COUNTRYWIDE HOME LOANS INC RESSLER MARY A ET AL A/K/A RESSLER MARY	*
* 08-019570-CI-011	KURT RESSLER COUNTRYWIDE HOME LOANS INC RESSLER MARY A ET AL A/K/A RESSLER MARY	*
* 08-019570-CI-011	KURT RESSLER FKA UNKNOWN TENANT IN POSSESSION COUNTRYWIDE HOME LOANS INC RESSLER MARY A ET AL A/K/A RESSLER MARY	*
* 08-019570-CI-011	MARY A RESSLER A/K/A MARY RESSLER COUNTRYWIDE HOME LOANS INC RESSLER MARY A ET AL A/K/A RESSLER MARY	*
* 08-019570-CI-011	SHAWN RESSLER COUNTRYWIDE HOME LOANS INC RESSLER MARY A ET AL A/K/A RESSLER MARY	*

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* 08-019570-CI-011	UNKNOWN HEIRS BENEFICIARIES DEVISEES ASSIGNEES LIENORS CREDITORS TRUSTEES AND ALL OTHERS ETC COUNTRYWIDE HOME LOANS INC RESSLER MARY A ET AL	*
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* 08-019840-CI-011	DORIS L WHITE DEUTSCHE BANK NATIONAL TRUST COMPANY ETC WHITE DORIS L ET AL	*
* 08-019840-CI-011	GREGORY O WHITE DEUTSCHE BANK NATIONAL TRUST COMPANY ETC WHITE DORIS L ET AL	*
* 09-005324-CI-011	CONNIE GAIL DUGGAN U S BANK NATIONAL ASSOCIATION DUGGAN CONNIE GAIL ET AL	*
* 09-005324-CI-011	HOUSING FINANCE AUTHORITY OF PINELLAS COUNTY FLORIDA U S BANK NATIONAL ASSOCIATION DUGGAN CONNIE GAIL ET AL	*
09-005620-CI-011	HOWARD PEEL BRADCO SUPPLY CORPORATION PEEL ROOFING LLC ET AL	
09-006408-CI-011	CORBEL HOLDINGS INC COUNTRYWIDE HOME LOANS SERVICING L P READ SANDRA ET AL	
09-006408-CI-011	SHECOE LANGSTON FKA UNKNOWN TENANTS IN POSSESSION COUNTRYWIDE HOME LOANS SERVICING L P READ SANDRA ET AL	
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* 09-008026-CI-011	SUSAN L ACKERMAN A/K/A SUSAN L DOUGHTIE OCWEN LOAN SERVICING LLC ACKERMAN SUSAN L ET AL	*
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* 09-008026-CI-011	UNKNOWN SPOUSE OF CARLTON S DOUGHTIE OCWEN LOAN SERVICING LLC ACKERMAN SUSAN L ET AL	*
A/K/A DOUGHTIE SUSAN L		
* 09-008026-CI-011	UNKNOWN SPOUSE OF RAYMOND B DUST OCWEN LOAN SERVICING LLC ACKERMAN SUSAN L ET AL	*
A/K/A DOUGHTIE SUSAN L		
09-012524-CI-011	M H H ENTERPRISES INC D/B/A HOLIDAY ISLES MARINA SAHIN SULEYMAN M H H ENTERPRISES INC	
D/B/A HOLIDAY ISLES MARINA		
09-013118-CI-011	DAVID A DUSI A/K/A DAVID DUSI ONEWEST BANK FSB DUSI DAVID A ET AL	*
A/K/A DUSI DAVID		
09-013118-CI-011	JENNIFER DUSI ONEWEST BANK FSB DUSI DAVID A ET AL	*
A/K/A DUSI DAVID		
09-013118-CI-011	MARK HENDERSON FKA UNKNOWN TENANT ONEWEST BANK FSB DUSI DAVID A ET AL	*
A/K/A DUSI DAVID		
09-013844-CI-011	GAIL D RADEMAN ETC A/K/A G D RADEMAN A/K/A GAIL RADEMAN WACHOVIA BANK N A RADEMAN GAIL D ETC	
A/K/A RADEMAN G D		
A/K/A RADEMAN GAIL		


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09-017923-CI-011 CITIBANK N A MUTZL ROBERT	ROBERT MUTZL	
09-018194-CI-011 DEUTSCHE BANK NATIONAL TRUST COMPANY MORGAN STANLEY ABS CAPITAL I INC TRUST 2004-NC5 PATTERSON MILTON H ET AL	ANY AND ALL UNKNOWN PARTIES CLAIMING BY THROUGH UNDER AND AGAINST THE ETC	*
09-018194-CI-011 DEUTSCHE BANK NATIONAL TRUST COMPANY MORGAN STANLEY ABS CAPITAL I INC TRUST 2004-NC5 PATTERSON MILTON H ET AL	JOHN DOE AS UNKNOWN TENANT IN POSSESSION	*
09-018194-CI-011 DEUTSCHE BANK NATIONAL TRUST COMPANY MORGAN STANLEY ABS CAPITAL I INC TRUST 2004-NC5 PATTERSON MILTON H ET AL	MARK S GINN DEUTSCHE BANK NATIONAL TRUST COMPANY	*
09-018194-CI-011 DEUTSCHE BANK NATIONAL TRUST COMPANY MORGAN STANLEY ABS CAPITAL I INC TRUST 2004-NC5 PATTERSON MILTON H ET AL	JACQUELINE S PATTERSON DEUTSCHE BANK NATIONAL TRUST COMPANY	*
09-018194-CI-011 DEUTSCHE BANK NATIONAL TRUST COMPANY MORGAN STANLEY ABS CAPITAL I INC TRUST 2004-NC5 PATTERSON MILTON H ET AL	MILTON H PATTERSON DEUTSCHE BANK NATIONAL TRUST COMPANY	*
09-018194-CI-011 DEUTSCHE BANK NATIONAL TRUST COMPANY MORGAN STANLEY ABS CAPITAL I INC TRUST 2004-NC5 PATTERSON MILTON H ET AL	LANESHA WALKER FKA JANE DOE AS UNKNOWN TENANT IN POSSESSION	*
09-018884-CI-011 SANDERS LAW GROUP PA SALON PEOPLE INC ET AL	KEN HAZLETT	

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09-018884-CI-011	SALON PEOPLE INC SANDERS LAW GROUP PA SALON PEOPLE INC ET AL	

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KEN BURKE, CPA

CLERK OF THE CIRCUIT COURT
PINELLAS COUNTY, FLORIDA

Civil/Small Claims - Docket Viewing - Fct D

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Link Icon Explanation

Uniform Case	Pinellas Case	Section	Case Type	Type
522009CA013118XXCICI	09013118CI	011	MTG FORECL	MF
Style: ONEWEST BANK FSB				
vs. DUSI DAVID A				
Jury Trial	Stipulation (STIP)	Notice of Hearing (NOTH)	Reason	Type Disp.
				DISM
Filing Date	Appeal Date	Judg. Date	Reop Date	Docket Date
07/23/2009				
Case/Cat	Docket Code	DOR?	Loc	ACN
MORTGAGE FORECLOSURE	ALL			013A
Official Records Link	Legal Description		Book	Page
	LT 4 BLK 1 LEALMAN HIGHLANDS 4		16656	2305

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









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32 docket entries displayed of 32, 12/08/2010 to 07/23/2009 [New Search](#) 

Current Sort is: -Original Sort-

Reset Original Sort	Link To	Activity Code	Docket Date	P/D	Docket Entry	Ver
1		DISM	12/08/2010	CLERK	CASE DISMISSED - BEFORE HEARING	N
2		MDSC	12/08/2010	CLERK	HENDERSON MARK OR17112PG0868-009	F
3		MDSC	12/08/2010	CLERK	DUSI JENNIFER	N
4		MDSC	12/08/2010	CLERK	DUSI DAVID A	N
5		MDSC	12/08/2010	CLERK	MASTER ORDER (09-011) DISMISSAL CALENDAR AS FOLLOW:	N
6		ORDR	12/07/2010	PLAINTIFF	ORDER SHOWING GOOD CAUSE -NOT SIGNED BY COURT	F
7		NOTC	12/07/2010	PLAINTIFF	NOTICE OF STATUS	F
8		ATTY	12/07/2010	PLAINTIFF	ATTORNEY COVER LETTER RECD BY COURT 120310	F
9		NLPM	09/29/2010	CLERK	NOTICE-LACK OF PROS MLD TO PLTF/PLTF ATTY	N
10		NLPS	09/29/2010	CLERK	HENDERSON MARK	N
11		NLPS	09/29/2010	CLERK	DUSI JENNIFER	N
12		NLPS	09/29/2010	CLERK	DUSI DAVID A	N
13		NLPS	09/29/2010	CLERK	NOTICE-LACK OF PROS-DISM 112910-MLD AS TO:	N

Reset Original Sort	Link To	Activity Code	Docket Date	P/D	Docket Entry	Ver
14		03CB	11/19/2009	PLAINTIFF	CASH BOND DEPOSITED \$100.00	N
15		03BD	11/19/2009	PLAINTIFF	APPROVAL OF BOND FEE PAID \$8.50	N
16		NRCB	11/17/2009	PLAINTIFF	NON-RESIDENT COST BOND--APPROVED 111809	F
17		FILE	11/17/2009	PLAINTIFF	NOTICE OF FILING NOTE/MORTGAGE/BOND	F
18		NAPP	08/24/2009	DEFENDANT	NOTICE OF APPEARANCE	F
19		MODS	08/24/2009	DEFENDANT	MOTION DISMISS	F
20		SURS	08/20/2009	CLERK	SUMMONS RETD SERVED DAVID A DUSI 080709	F
21		SURS	08/20/2009	CLERK	SUMMONS RETD SERVED JENNIFER DUSI 080709	F
22		DUPE	08/20/2009	CLERK	NKA MARK HENDERSON	F
23		SURS	08/20/2009	CLERK	SUMMONS RETD SERVED UNKNOWN TENANT 080109	F
24		02SF	07/27/2009	PLAINTIFF	SUMMONS FEE PAID \$30.00	N
25		LPRF	07/27/2009	PLAINTIFF	LIS PENDENS RECORDING FEE PAID - \$5.00	N
26		02CI	07/27/2009	PLAINTIFF	CIRCUIT CIVIL FILING FEE PAID \$905.00	N
27		TEXT	07/23/2009	PLAINTIFF	VALUE OF REAL PROPERTY OR MORTGAGE ETC	F
28		SUPP	07/23/2009	CLERK	SUMMONS TO PROCESS SERVER - PICK UP	N
29		CCST	07/23/2009	PLAINTIFF	CIVIL COVER SHEET	F
30		NOLP	07/23/2009	PLAINTIFF	NOTICE OF LIS PENDENS OR16656PG2305-001	F
31		COMP	07/23/2009	PLAINTIFF	COMPLAINT	F
32		SECT	07/23/2009	PLAINTIFF	THIS CASE ASSIGNED BY CLERK TO SECTION 011 BY 4905 - RANDOM MF	N

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