

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

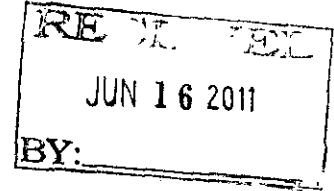
WELLS FARGO BANK, N.A.,
PLAINTIFF,

CASE NO. 10-11050-CI-19

v.

MARY LOUISE LEWARNE, INDIVIDUALLY;
AND AS TRUSTEE OF THE MARY LOUISE LEWARNE
REVOCABLE TRUST AGREEMENT DATED SEPTEMBER
22, 1993

DEFENDANTS.



ORDER

THIS MATTER, having come on consideration from the Defendant's Motion to Dismiss, the court, having reviewed the pleadings and accepted the argument of counsel who appeared in court, it is hereby

ORDERED AND ADJUDGED that:

1. The Defendant's Motion to Dismiss is GRANTED.
2. The Plaintiff's Complaint must be verified pursuant to Florida Rules of Civil Procedure

Rule 1.110(b), which provides that:

When filing an action for foreclosure of a mortgage on residential real property the complaint shall be verified. When verification of a document is required, the document filed shall include an oath, affirmation, or the following statement: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief."

3. The verification shall be made in conformity with Florida Statute, 92.525, which provides that:

(1) When it is authorized or required by law... or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(b). By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by

law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

4. Pursuant to Florida Rule of Civil Procedure Rule 1.110(b) and Florida Statute 92.525, the verification of Plaintiff's complaint must be printed or typed at the end of the complaint or immediately below the complaint.

5. The verification must be a part of the complaint and not a free standing document behind exhibits and other attachments to the complaint.

6. The complaint must be verified by an employee of the Plaintiff and the name and title of the employee verifying the complaint shall be typed or legibly printed below the signature.

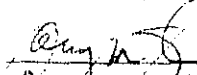
7. Because the Defendant challenged the Plaintiff's failure to plead capacity through a specific negative averment pursuant to Florida Rule of Civil Procedure Rule 1.120(a), the Plaintiff shall plead its capacity within the body of the complaint.

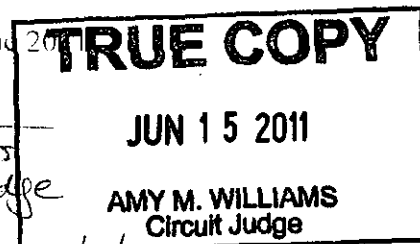
8. The Plaintiff failed to attach a copy of the promissory note that is alleged to be at issue in this case. The Plaintiff's Complaint must contain a copy of the promissory note that it is suing upon pursuant to Florida Rules of Civil Procedure Rule 1.130(a) which provides:

(a) Instruments Attached. All...contracts, accounts, or documents upon which action may be brought or defense made, or a copy thereof or a copy of the portions thereof material to the pleadings, shall be incorporated in or attached to the pleading.

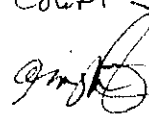
9. The Plaintiff shall have 45 days from the date of the June 10, 2011 hearing or until July 29, 2011 to comply with this Order.

DONE AND ORDERED in chambers on this the 15th day of June 2011


Amy M. Williams
Circuit Court Judge



cc: Matthew D. Weidner, Esq.
Shannon Houk, Esq.


6/15/11

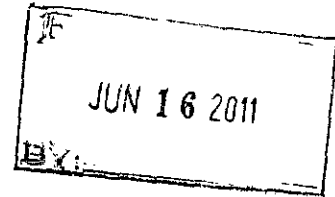
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

ARCH BAY HOLDINGS LLC SERIES 2009-B,
PLAINTIFF,

CASE NO.: 10-6475-CI-19

VS.

TERESA BRETHEN,
DEFENDANT.



ORDER

THIS MATTER, having come on consideration from the Defendant's Motion to Dismiss, the court, having reviewed the pleadings and accepted the argument of counsel who appeared in court, it is hereby

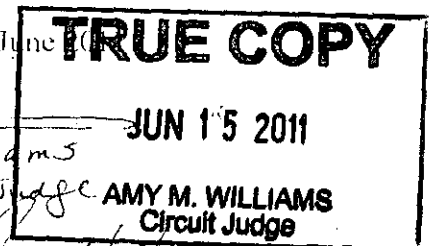
ORDERED AND ADJUDGED that:

1. The Defendant's Motion to Dismiss is GRANTED.
2. The complaint must be verified by an employee of the Plaintiff and not by an attorney acting on behalf of the Plaintiff.
3. The name and title of the employee verifying the complaint shall be typed or legibly printed below the signature of the party who verifies the complaint.
4. The verification shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.
5. The Plaintiff shall have 45 days from the date of the June 9, 2011 hearing or until July 28, 2011 to comply with this Order.

DONE AND ORDERED in chambers on this the 15th day of June

cc: Matthew D. Weidner, Esq.
Joanna Evans, Esq.

Amy M Williams
Circuit Court Judge



6/15/11