

Effective Trial Techniques

Clay A. Holtsinger
Kass Shuler, PA; Tampa

Shawn M. Yesner
Yesner & Boss, PL; St. Petersburg

Hon. Gregory P. Holder
*13th Judicial Circuit Court
Criminal Justice and Trial Division; Tampa*



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The Hypothetical Saga of the Billions Gate Foreclosure:

Billions Gate, a man of about 40 years, was living the high life. He had used his Credit Cards initially to obtain cash advances and invested in fixer uppers and foreclosed properties. Things were going very well as his properties began to rise in value. He refinanced several and cleared his credit card debt. Then the bottom began to fall and many of his properties went into foreclosure. Most of those foreclosures he simply did not fight. He knew that he could spend no money, and keep his renters in the properties for several years and collect the rents. Upon foreclosure, he would not fight to stay and would hope that his renters would simply make payment to the Banks. However, Billions had a special affinity for his very nice homestead property located in a gated community in Hillsborough County, Florida. He was proud of the property and is fairway like grounds. He affectionately referred to his home as "Tara."

Facing very hard times, on July 2, 2012, Billions filed a chapter 7 bankruptcy case and was able to discharge and blow out all of his personal liability on each of the mortgages. The Chapter 7 Trustee soon discovered each of the properties was over encumbered and quickly abandoned the Non Exempt assets as burdensome. Billions got his discharge paper, the Trustee filed his final report, and the Mortgagees proceeded with their foreclosure cases.

Billions thought perhaps he had gotten a head start (oops, I mean fresh start) and would now rebuild his former empire. Credit being tight, he found that he might actually have to work for a living. Jobs in Florida with his skill set were not easy to come by and after a few months he could no longer afford to make high home mortgage payments to "Bank of the Universe" which may or may not be his current bank, as he seems to deal mostly with what he thought was his loan servicers, "E-Z Money, Inc" (first mortgage) and "Hose Em & Doze Em National Bank" (Second Mortgage). In addition, he has lost his position on the Home Owners Association because he has been delinquent for 15 months or more on his dues and Assessments. He is behind on his ad valorem taxes and the value of the property appears to have actually dipped below the first mortgage balance (Any of this sound familiar?)

Recently, Billions after being in default for a number of months has received the now very familiar default and acceleration letters concerning "Tara." One such letter contains some sort of special - precatory language regarding Billions' prior bankruptcy discharge. It seems that one of the loan servicers is intending to foreclose in rem. Billions has not had the opportunity to actually sit down with his wife Millions ("Mille" for short) and explain what may happen. Billions, until now has been able to keep Millie out of the bankruptcy and financial fray. However, on advice of prior Counsel, Billions and Millie purchased "Tara" as Husband and Wife – Tenants by the Entireties. It appears that something is about to hit the proverbial fan.

EZ Money, Inc is represented by Old Man Potter (Clay Holtsinger) and Billions and Millie have hired an up and coming attorney Rhett Butler (Shawn Yesner)

This deceptively simple Hypothetical, raises the prospects of some foreclosure and possible further bankruptcy issues we will be discussing today.

Our Presiding Judge will be the Honorable Gregory P. Holder, of the Circuit Court in and for Hillsborough County, Florida

The case will address a soup-to-nuts foreclosure process with a brief Trial with live witnesses. Throughout the course of this presentation we will be making several stops – The purpose of the stops is to highlight a particular point of the timeline of a typical start to finish Foreclosure case. We figure that if a Murder can be committed and a trial and conviction can be obtained in a 1 hour Television Drama, we can surely deal with a complete foreclosure case in a couple of hours of live drama.

Our first stop is Old Man Potter’s office –

- I. Brief discussion of the strategy and the steps that must be undertaken to proceed with a foreclosure case.
 - a. Review of Documentation from the Client
 - b. Identifying the proper party to sue in the name of -- Checking Endorsement on Note, the Assignment of Mortgage etc.
 - c. Running Title – to determine the Defendant Parties (See Exhibit Attached)
 - d. Drafting the Acceleration and Default Letter – Special provision re the bankruptcy because of the Discharge, it will be in rem only as to Billions and in personam as to his wife Millions) (“Millie” for short) (See Exhibit Attached)
- II. Drafting the Complaint -- (See Exhibit Attached)
All of the attachments
- III. Filing the Complaint --
 - a. Costs
 - b. Recording the Lis Pendens (See Exhibit Attached)
- IV. Serving the Complaint and verifying service

Our Second Stop is Rhett Butler’s Office

- I. Meeting with client to discuss the case and how the legal fees and costs will work

II Prepare the Motion to Dismiss, (review the Complaint and Attachments) (See Exhibit Attached) -- Since Plaintiff only filed a copy of the Note, Defendant does not see any of the Endorsements on the Note and cannot ascertain how or why EZ Money, Inc. filed the Complaint.

III. Hold the Motion to Dismiss for the last date of service, or Serve early?

IV Advise the Client on the results so far

Motion to Dismiss has to be heard so Plaintiff's counsel clears the date and time with opposing counsel and Judge Holder's JA

Stop Number 3 Judge Holder's Courtroom

Gentlemen – I have read the Complaint and All of the Attachments and I have read the Motion to Dismiss.

Mr. Butler: Mr. Butler gives his explanation for the Motion to Dismiss

Your Response Mr. Potter? Mr. Potter Replies

Based on the Arguments I am going to Grant the Motion in part and require Plaintiff to provide the actual Note or a copy of the actual Note in its current status so that we can ascertain who may be the proper party, having rights to enforce the Note. Otherwise, I am Denying the Motion to Dismiss and give you 20 days from the Date upon which Old Man Potter supplies you with the Note and Endorsements within which to file your Answer. Etc. I will look to you Mr. Potter to prepare and submit an Order based upon my Ruling this morning.

Potter prepares the Order and submits it to Mr. Butler for approval (See Exhibit Attached)

Potter submits the Order and Marks the calendar for the 21st Day to insure that this case is moving along

Mr. Butler meets with Billions again and formulates his Answer (See Exhibit Attached)

Q. Is it a potential problem that Mr. Butler has never actually met and discussed the case with Millie Gates?

Mr. Butler Drafts the Answer paying particular attention to the Affirmative Defenses (See Exhibit Attached)

The Answer is served on Old Man Potter

Old Man Potter fires off Discovery to test the nature of the Answer and Defenses (See Exhibit Attached)

In Response Butler files a Motion for a Protective Order (See Exhibit Attached)

Stop 4 – Back before Judge Holder

Ruling – Explain how to handle discovery disputes in Civil Cases

Order prepared and submitted

Stop 5 Old Man Potter decides to try for Summary Judgment

Potter discusses the pros and cons and files his Motion (See Exhibit Attached)

Stop 6 Mr. Butler files a Response to MSJ

Butler discusses the nature of the Response and whether to attach client Affidavit in opposition. (See Exhibit Attached)

Stop 7 Judge Holder conducts brief hearing on the MSJ

Judge Holder explains

Denied – Rhett Butler to prepare the Order

Stop 8 Billions will seek Mediation

Rhett Butler seeks Mediation -- Which results in an impasse

Stop 9 Old Man Potter sets the matter at issue

Requests the final Pre Trial Conference

Stop 10. Pre Trial Conference

Parties appear via Counsel at Judge Holders Court Room for the Pre Trial Conference

Joint pre trial statement is prepared and on issues in which there is no agreement the Court will direct the parties (See Exhibit Attached)

Judge Holder conducts the Conference

Renders his ruling

Sets the Matter for Trial – Picks a date and time that is _____ days out from the hearing

Directs Exchange of the Witness Lists

Directs Exchange of Exhibits

Duties to Supplement – No unfair surprises.

Discussion of how Deposition Testimony may or may be presented – Old Man Potter's Witness is a Bank person who resides approximately 1,000 miles from the Court.

Results is a Signed Pre Trial Order (See Exhibit Attached)

Deposition of Plaintiff Rep is taken – See Record Excerpts (See Exhibit Attached)

Stop 11 Trial in Judge Holder's Courtroom

Conduct the Trial

Openings Plaintiff and Defendant

Call the witnesses

Potter Calls Billions Gate
Butler Cross Examines

Potter Calls Millions Gate – She is not present at the trial

Potter introduces the Bank Of the Universe Representative's Deposition -- The information identifies all of the documents, and further based upon records

custodian evidence introduces the date of default, the date of last payment, the date due for, the amount of the Principal Balance on the Obligation, the Per Diem interest, the calculation of interest, and each of the items of costs incurred. The Deponent also states that the Note provides for reasonable fees and Old Man Potter has been reasonable.

Butler asks the Court to read the entire deposition in context and gives the Court the portions of the Deposition in which the Testimony may be construed to equivocate or be adverse to Plaintiff's case.

Potter also introduces an affidavit of an Expert local attorney on his fees

Butler objection on the basis of Hearsay

Potter introduces the Note with endorsements into evidence

Potter introduces the Mortgage and AOM into evidence

Potter Rests

Butler Moves for involuntary Dismissal

Judge Holder inquires and Rules

Butler puts on his Defense.

Butler calls Billions Gate to the Stand and Direct Examines him

Potter Cross Examination

Butler rests

Court takes a few minutes to review the Evidence and Rules

Old Man Potter brings the proposed form of Judgment (See Exhibit Attached)

Court completes information on the Judgment, renders a total amount

Court sets a sale date

Stop 12 Post Judgment

Plaintiff has to Publish – Provide specifics

Billions Gate files his second bankruptcy under chapter 13 – Timing?

Finality

Considerations – This is the Second case and the stay may be limited

The value of the property may be less than the debt owed

Can Debtor lien Strip – Principal Residence

Can you move out and rent somewhere else

Can you lien strip if you were in chapter 13

Can Billions lien strip when there is a Tenants by the Entireties not in Bankruptcy

What if Billions attorney does not comply with 549(c) and the property gets sold to a third party in violation of the stay? Does the Stay apply 362(b)(24)

Lots of intersections between bankruptcy and foreclosure will be discussed time permitting.

Thank you for your attendance and participation

Larry Foyle
Kass Shuler, PA
1505 N. Florida Ave.
Tampa, Florida 33602

The Names have been changed to protect the innocents and any similarity between names and faces and real or fictional characters is completely unintended or otherwise coincidental. These events although representative of what one may find in a foreclosure and bankruptcy case are also completely fictional.

Larry Foyle is solely responsible for the content.

The Forms used have been borrowed from Official Forms and from Illustrative Forms successfully used in other cases.

February 8, 2012



TITLE OF FLORIDA, INC.
FORECLOSURE TITLE SEARCH

Date Received: **03/08/2010**

Effective Date: **02/25/2010**

Date Sent: **03/09/2010**

Kass, Shuler, Solomon, Spector, Foyle &

File: **GRANT**

138036A

Borrower Name*: [REDACTED]

Property Address*: **11087 Stonewood**, [REDACTED] **FL 33473.**

County: [REDACTED]

Condo/Homeowners Association:
Canyon Isles Homeowners Association, Inc.

Foreclosure Report:

1) Title Owner: [REDACTED], a married woman and [REDACTED] tenants with full rights of survivorship.

Vested by: **Special Warranty Deed**, dated **11/21/2006**, given by [REDACTED] Associates XVI, LLLP to [REDACTED] a married woman and [REDACTED] man, joint tenants with full rights of survivorship.

Recorded **2/2/2007** in Official Records **Book:21370 Page:0837**

1. Tax Parcel #: **00 42 45 32 03 00 1000**

Taxes Paid Through: **2009**

Assessed Value: **\$631,538.00**

Legal Description:

See Attached Exhibit "A"

Notes:

It appears there is different verbiage in the legal between the mortgage(s) and the deed(s), however all instruments appear to describe the same property.

1. Foreclose Mortgage MIN #:1002480- [REDACTED]

From [REDACTED] Grant and [REDACTED] Grant, wife and husband [REDACTED]

To :Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for [REDACTED]

Dated:11/21/2006 Recorded: 2/2/2007 Book:21370 Page:0839

Amount:\$948,292.00

Assignments:

1.Assignment

From :Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for [REDACTED]

To : [REDACTED] as Trustee for [REDACTED] ALT-B Securities Mortgage Loan Trust, Series 2007-AB1

Dated:01/13/2010 Recorded: 1/28/2010 Book:23666 Page:1114

1. Real Property Owner: [REDACTED] Grant and [REDACTED]

Bankruptcies:

[REDACTED] Found.

Divorce: None.

Foreclosure/Lis Pendens: None.

Tax Liens: [REDACTED]

UCC/Financing Statement: None.

Prior Outstanding Liens/Judgements: None

Liens/Judgements: None

[Redacted] [Redacted]
TITLE

[Redacted] Drive. • [Redacted] TX [Redacted]

INVOICE

Date: March 8, 2010 **Number:** 10-4-[Redacted]

Customer: Kass, Shuler, Solomon, Spector Foyle & Singer, P.A.
PO Box 800
1505 N. Florida Avenue
Tampa, Florida 33601-0800 **Reference Number:** [Redacted] 090454C

Owner: [Redacted] Grant **County:** [Redacted]

Property Address: 11087 Stonewood [Redacted] Trail

Type of Search: Title Search Report

TOTAL DUE: \$325.00

Note: A monthly statement including all unpaid invoice amounts will be transmitted separately.

THIS INVOICE IS NOT A STATEMENT OF OWNERSHIP OR INSURABILITY OF ANY MATTER RELATED TO THE ABOVE-MENTIONED PROPERTY. THE AMOUNT SHOWN IS THE AGGREGATE OF CURRENT CHARGES. AN ITEMIZED STATEMENT CAN BE MADE AVAILABLE UPON REQUEST.

[Redacted]

Exhibit "A"

Lot 100 [REDACTED] ISLES - PLAT TWO, according to the plat thereof, as recorded in Plat Book 1 [REDACTED] at Page 40, of the Public Records of [REDACTED] County, Florida.

ATTN: PROCESS SERVER

RE: EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust,
Series 2007-AB1 vs. Billions Gate, Millions Gate (aka Millie Gate) , et. al.

OUR FILE NO: 090454C

Enclosed please find the Civil Cover Sheet, Complaint, Summons, and Notice of Lis Pendens pertaining to the above-referenced matter, along with the firm's check(s) for filing this matter. Please read carefully the following notes pertaining to this case:

1. Please have the Complaint filed and the summons issued within 24 hours, immediately begin serving Defendants in the case, and update your software system with the Complaint filing date within 24 hours so that we can comply with our client's requirements. Please provide us with a copy of the date stamped Complaint at your earliest convenience.

2. Should this property include a mobile home, please provide us with mobile home information and confirm the vin numbers on the mobile home.

3. Should this be a multi-unit property, please advise our office immediately.

4. The following includes additional information on the debtors for your reference:

**Billions Gate 123-45-6789
Millions Gate aka Millie Gate 234 56 7890
Hose Em and Doze Em National Bank
CANYON ISLES HOMEOWNERS ASSOCIATION, INC.
UNKNOWN TENANTS/OWNERS**

If for whatever reason, the complaint cannot be filed within 24 hours of receipt, please contact Debbie Bade at extension 1415.

Don't hesitate to contact us with any questions. Thank you for your assistance .

Sincerely,

Old Man Potter, Esquire

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of the Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion)

I. CASE STYLE

CIRCUIT COURT, Hillsborough COUNTY, FLORIDA

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1

Case No.: _____

vs.

Judge: Gregory P. Holder

vs. Billions Gate,
Millions Gate (aka Millie Gate) , et. al

_____ /

II. TYPE OF CASE

(If the case fits more than one type of case, select the most definitive category.)
If the most descriptive label is a subcategory (is indented under a broader category), place an "x" in both the main category and subcategory boxes.

- | | |
|---|--|
| <input type="checkbox"/> Condominium | <input type="checkbox"/> Professional malpractice |
| <input type="checkbox"/> Contracts and indebtedness | <input type="checkbox"/> Malpractice - business |
| <input type="checkbox"/> Eminent domain | <input type="checkbox"/> Malpractice - medical |
| <input type="checkbox"/> Auto negligence | <input type="checkbox"/> Malpractice - other professional |
| <input type="checkbox"/> Negligence - other | <input type="checkbox"/> Other |
| <input type="checkbox"/> Business governance | <input type="checkbox"/> Antitrust/Trade Regulation |
| <input type="checkbox"/> Business torts | <input type="checkbox"/> Business Transaction |
| <input type="checkbox"/> Environmental/Toxic tort | <input type="checkbox"/> Constitutional challenge - statute or ordinance |
| <input type="checkbox"/> Third party indemnification | <input type="checkbox"/> Constitutional challenge - proposed amendment |
| <input type="checkbox"/> Construction defect | <input type="checkbox"/> Corporate Trusts |
| <input type="checkbox"/> Mass tort | <input type="checkbox"/> Discrimination - employment or other |
| <input type="checkbox"/> Negligent security | <input type="checkbox"/> Insurance claims |
| <input type="checkbox"/> Nursing home negligence | <input type="checkbox"/> Intellectual property |
| <input type="checkbox"/> Premises liability - commercial | <input type="checkbox"/> Libel/Slander |
| <input type="checkbox"/> Premises liability - residential | <input type="checkbox"/> Shareholder derivative action |
| <input type="checkbox"/> Products liability | <input type="checkbox"/> Securities litigation |
| <input checked="" type="checkbox"/> Real Property/Mortgage foreclosure | <input type="checkbox"/> Trade secrets |
| <input type="checkbox"/> Commercial foreclosure \$0 - \$50,000 | <input type="checkbox"/> Trust litigation |
| <input type="checkbox"/> Commercial foreclosure \$50,001 - \$249,999 | |
| <input type="checkbox"/> Commercial foreclosure \$250,000 or more | |
| <input type="checkbox"/> Homestead residential foreclosure \$0 - \$50,000 | |
| <input type="checkbox"/> Homestead residential foreclosure \$50,001 - \$249,999 | |

- Homestead residential foreclosure \$250,000 or more
- Non-homestead residential foreclosure \$0 - \$50,000
- Non-homestead residential foreclosure \$50,001 - \$249,999
- Non-homestead residential foreclosure \$250,000 or more
- Other real property actions \$0 - \$50,000
- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more

III. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Non-monetary declaratory or injunctive relief;
- Punitive

IV. NUMBER OF CAUSES OF ACTION (1)

(Specify) Foreclosure

V. IS THIS CASE A CLASS ACTION LAWSUIT?

- Yes
- No

VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- No
 - Yes - If "yes" list all related cases by name, case number and court:
-

VII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- Yes
- No

VIII. IS TRIAL EXPECTED TO LAST MORE THAN TEN (10) TRIAL DAYS (2 WEEKS)?

- Yes
- No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature:
e:

Attorney or Party
OLD Man Potter, Esq.
Type or print name

Fla. Bar

1234567

(if attorney)

Date: 7-2-2012

086150.090454C/dmd

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X
Securities Mortgage Loan Trust,
Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank
Billions Gate, Millions Gate (aka
Millie Gate;
CANYON ISLES HOMEOWNERS
ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS,

Defendants.
_____ /

NOTICE OF LIS PENDENS

TO DEFENDANT(S):

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate; CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS, ALL OTHERS TO WHOM IT MAY CONCERN

You are notified of the institution of this action by Plaintiff against you seeking to foreclose a mortgage encumbering the following real property in Palm Beach County, Florida:

LOT 100 CANYON ISLES - PLAT TWO, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105
AT PAGE 40, OF THE PUBLIC RECORDS OF
HILLSBOROUGH COUNTY, FLORIDA.

with a street address of 11087 STONEWOOD LUTZ, FL 33685.

DATED: July 2, 2012.

/s/

OLD MAN POTTER
Florida Bar No.:1234567
OLD MAN POTTER, P.A.
P.O. Box 007
Tampa, FL 33601
(813) 123 4567 ext 1382
Attorneys for Plaintiff

090454C/dmd

Attn: Complaint Verification Team

EZ MONEY, INC.

Dear Client,

Pursuant to Florida Rule 1.110(b), the allegations of facts contained in residential mortgage foreclosure complaints must be verified under penalties of perjury. Accordingly, we have prepared a proposed foreclosure complaint containing the following information:

1. The name of the investor that owns and holds the Note and Mortgage is:
Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1 2.
2. The original borrowers were: Billions Gate, Millions Gate (aka Millie Gate)
3. You have verified that your company is currently in possession of the Original Note **(if this is not true, please let us know immediately as the Complaint must be revised to request that the Note be re-established under Florida law)**
4. The principal balance due on the loan is: \$1,010,523.67
5. The loan is due for the payment due on: 09/01/2009

Please verify the facts contained in the Complaint, and sign the enclosed Verification of Foreclosure Complaint, and return the original to us as soon as possible so that we may file the Complaint. **If you have any questions about any of the allegations of fact in the Complaint, please let us know immediately. It is very important that the allegations be as accurate as possible, and penalties of perjury may be imposed if the statements are incorrect.**

If you have requested that we foreclose in the name of an investor other than the current holder of record, we have also enclosed a proposed Assignment of Mortgage to be signed and notarized and returned with the Verification. **The Assignment of Mortgage must be recorded in the public records, and a copy attached to the Complaint.** It is also requested that you forward the Original Note and Mortgage to us at your earliest convenience.

If you should have any questions or comments, please feel free to call.

Sincerely,

OLD Man Potter PA

090454C/dmd

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Division
Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate,
Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION,
INC., and UNKNOWN TENANTS/OWNERS,

Defendants.
_____ /

VERIFICATION OF FORECLOSURE COMPLAINT

Under penalty of perjury, I declare that I have read the foregoing Mortgage Foreclosure Complaint, and the facts alleged therein are true and correct to the best of my knowledge and belief.

EZ Money, Inc as Trustee for ALT-X Securities Mortgage
Loan Trust, Series 2007-AB1

By: _____
As the: _____
For:

090454C/dmd



IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

Case No.

EZ Money, Inc as Trustee for ALT-X Securities Mortgage
Loan Trust, Series 2007-AB1
Plaintiff,

Division

vs.

Hose Em and Doze Em National Bank Billions Gate,
Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS,

Defendants.
_____ /

VERIFIED MORTGAGE FORECLOSURE COMPLAINT

Plaintiff, EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1 by and through its undersigned attorneys, sues Defendants, Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate; CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS, and states:

GENERAL ALLEGATIONS

1. EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1, is the holder of the Note and Mortgage which are the subject of this suit.
2. Defendant(s), Billions Gate, Millions Gate (aka Millie Gate), is/are the record owner(s) of the property sought to be foreclosed by the Plaintiff, and hold title to the property subject to the Mortgage described herein.
3. Defendants, Hose Em and Doze Em National Bank; CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS, are persons and/or entities who have or may claim some right, title, interest, or lien in, to, or upon the Property described below.
4. On _____ (insert date) , Billions Gate, Millions Gate (aka Millie Gate) executed and delivered a Note, and a Purchase Money Mortgage securing the Note in favor of GMFS, LLC. The Mortgage was signed and executed by Billions Gate, Millions Gate (aka Millie Gate) and was recorded on February 2, 2007 in Official Records Book 21370, Page 0839, of the

Public Records of Hillsborough County, Florida. A copy of the Mortgage and Promissory Note is attached hereto.

5. Plaintiff now owns and is the holder of the Note and Mortgage.

6. A default exists under the Note and Mortgage as a result of a lack of payment of the installment due September 1, 2009, and all subsequent payments on the Note.

7. Plaintiff has, if required by the Note or Mortgage, demanded payment of the obligation reflected by the aforesaid Note and Mortgage, but despite such demand, said default has not been cured.

8. Plaintiff hereby accelerates all principal and interest under the Note and Mortgage to be immediately due and payable.

9. Plaintiff is due the sum of ONE MILLION TEN THOUSAND FIVE HUNDRED TWENTY-THREE AND 67/100 Dollars (\$1,010,523.67) in principal under the Note and Mortgage, plus interest from August 1, 2009, title search expenses for ascertaining necessary parties to this action, unpaid taxes, insurance premiums, accumulated late charges, and inspection fees.

10. As a result of the default under the Note and Mortgage, it has become necessary for the Plaintiff to employ the undersigned attorneys to prosecute this action, and Plaintiff has agreed to pay such attorneys a reasonable fee for their services. Under the terms and provisions of the Note and Mortgage, Plaintiff is entitled to recover its reasonable attorney's fees in bringing this action. Plaintiff alleges that a reasonable attorney's fee in this matter would be \$1,250.00 and will seek an award of such amount in the event that a default judgment is entered against the Defendant. In the event that this matter is contested, Plaintiff intends to seek additional attorney's fees based upon the hours spent, services rendered and other reasonable factors.

11. Defendant(s), Billions Gate, Millions Gate (aka Millie Gate) and/or UNKNOWN TENANTS/OWNERS, now own, possess, or have the right to possess the Property.

12. Defendant(s), Millions Gate may claim some special interest in the subject property by virtue of her marriage to Billions Gate as a result of the spouse's potential interest in the property.

13. Defendant(s), CANYON ISLES HOMEOWNERS ASSOCIATION, INC., may

claim some interest in the subject property by virtue of a judgment, lien, or other instrument recorded in the Public Records of Palm Beach County, Florida. Said interest, however, is either invalid or is subordinate and inferior to the lien of Plaintiff's Mortgage.

14. Defendant(s), UNKNOWN TENANTS/OWNERS, may claim some interest in the subject property by virtue of their possession of the property.

COUNT I
MORTGAGE FORECLOSURE

15. Plaintiff realleges and incorporates Paragraphs 1 through 14 of this Complaint.

16. This is an action to foreclose the first Mortgage on real property (the "Property") in Hillsborough County, Florida, having a legal description as follows:

LOT 100 CANYON ISLES - PLAT TWO, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 105 AT
PAGE 40, OF THE PUBLIC RECORDS OF HILLSBOROUGH
COUNTY, FLORIDA.

with a street address of 11087 STONEWOOD TRAIL, LUTZ, FL 33685, herein referred to as "the Property."

17. Under the terms of the Mortgage and in accordance with Florida law, Plaintiff is entitled to foreclosure of its Mortgage upon default in payment.

18. All conditions precedent to the enforcement of Plaintiff's right to foreclosure herein and the maintenance of this action have been performed, have occurred, or have been waived.

WHEREFORE, Plaintiff requests that this honorable Court:

- (a) Take jurisdiction of the parties hereto and of the subject matter hereof;
- (b) Order that the lien of Plaintiff's Mortgage is a valid first lien on the Property described and is superior to any lien of record ;
- (c) Order foreclosure of the Mortgage, and that all Defendants named herein, their estates, and all persons claiming under or against them since the filing of the Notice of Lis Pendens, be foreclosed;
- (d) Determine the amount due Plaintiff under the Note and Mortgage sued upon herein;
- (e) Order that if said sum due Plaintiff is not paid in full within the time set by this Court, the Property be sold by Order of this Court to satisfy Plaintiff's claims;
- (f) Order that if the proceeds from such court ordered sale are insufficient to pay

Plaintiff's claim, then a deficiency judgment be entered for the remaining sum against all Defendants who have assumed personal liability for same and who have not received a discharge in bankruptcy (**It is specifically Noted that Defendant Billions Gate has been discharged in case 11-11111 – 8X7**);

(g) Order delivery and possession of the real property to the Purchaser, who shall be responsible for condominium or homeowner association assessments and other charges in accordance with §§718.116 and 720.3085, Florida Statutes (2007), respectively, and upon proof of the demand or refusal of any Defendant to vacate and surrender such possession, and the clerk be directed to issue a writ of possession without further order of this Court;

(h) Retain jurisdiction of this cause and the parties hereto to determine Plaintiff's entitlement to a deficiency judgment and the amount thereof; and

(i) Grant such other and further relief as appears just and equitable under the circumstances.

NOTICE UNDER FAIR DEBT COLLECTION PRACTICES ACT

Pursuant to Title 15 United States Code Section 1692g(d), a communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a) of this section.

DATED: February 9, 2012.

/s/
OLD MAN POTTER
Florida Bar No.:1234567
OLD MAN POTTER, P.A.
P.O. Box 007
Tampa, FL 33601
(813) 123 4567 ext 1382
Attorneys for Plaintiff

090454C/dmd

**INFORMACION IMPORTANTE
PARA LOS DUEÑOS DE VIVIENDA**

UN AVISO DE REPOSECION DE SU VIVIENDA SE HA INICIADO EN CONTRA SUYA USTED TIENE DERECHOS DURANTE EL PROCESO DE REPOSECION

LEGAL

Usted debe buscar consejo legal para proteger sus derechos y su vivienda. Si usted puede pagar un abogado, puede contactar the Palm Beach County Bar Association Lawyer Referral Service al (561) 687-3266 ó (561) 451-3256 (Boca/Delrey).

Si usted no puede pagar un abogado, puede contactar su agencia local de ayuda legal ó proveedor de servicios legales.

Legal Aid Society of Palm Beach County, Inc.	561 655-8944
Florida Rural Legal Services, Inc.	561 820-8902
	561 993-0003 (Belle Glade)

AGENCIAS DE ASESORAMIENTO VIVIENDA

Acorn Housing Corporation	561-588-7618
Consumer Credit Counseling Services, Inc.	800-251-2227
Credit Card Management Services	561-472-8000
Delray Community Development Corporation	561-266-9840
Housing Partnership, Inc.	561-841-3500
Life Improvement for Tomorrow, Inc.	561-868-7026
Urban League of Palm Beach County, Inc.	561-833-1461
Hope Now	888-995-HOPE
Housing Leadership Council of Palm Beach County	561-653-4107

Una ó más de las siguientes opciones estarán a su disposición para ayudarlo a salvar su casa. Contacte una agencia de Asesoramiento de Vivienda para encontrar información adicional.

Reestablecimiento: Reembolso de la cantidad total atrasada en un solo pago.

Tolerancia/Paciencia: Reducción o suspensión temporal de sus pagos de hipoteca.

Plan de reembolso: Acuerdo que permite al dueño de la vivienda pagar la cantidad que está atrasado gradualmente, mientras que hace el pago acordado o programado de su cuota mensual regularmente.

Modificación del Préstamo: Acuerdo escrito que cambia permanentemente uno ó mas de los terminos originales de su hipoteca, para hacer pagos que usted pueda pagar.

Venta Corta: El banco puede permitirle vender su casa por menos del valor que usted debe de la hipoteca. El banco aprueba la venta corta, la porción restante de la hipoteca, después del valor de venta de la casa será asumida por el banco.

Deed-in-lieu of Foreclosure: El banco cancelara la hipoteca si el propietario voluntariamente transfiere el título de propiedad al banco.

EVITE ENGAÑOS SOBRE EL TRATAR DE SALVAR SU PROPIEDAD DE LA REPOSECION: Usted puede ser contactado por individuos o compañías que ofrecen salvar su casa de la reposición. Por favor busque consejo legal antes de firmar cualquier documento o antes de pagar dinero a cualquiera que se ofrezca a salvar su casa de la reposición. Si usted piensa que ha sido víctima de un engaño sobre la reposición de su vivienda, puede contactar uno de los siguientes numeros para asistencia.

Florida Department of Financial Regulation	1-800-342-2762
Federal Trade Commission	1-877-382-4357
Office of the Attorney General	1-866-966-7266
Consumer Services Division of the Fla. Dept. Of Agriculture	1-800-435-7352

Exhibit "A" - NOTICE TO HOMEOWNER

**IMPORTANT POU MOUN KI GIN KAY
MIN ACTION BANK YO PRAN POU YO SEZI KAY OU.
GINYIN LWA POU MOUN TANKOU-W POU SI BANK YO TA VLE SEZI KAY OU**

LEGAL - NOU MANDE POU-W CHACHE YON AVOKA POU-W MANDE KI DWA OU GINYIN. SI OU GIN KOB POU-W PRAN YON AVOKA, OU MET RELE PALM BEACH COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE NAN NIMERO SA 561-687-3266 OUBYEN 561-451-3256 (SI OU RETE DELRAY/BOCA RATON)

SI OU PA GIN KOB POU YON AVOKA RELE:

LEGAL AID SOCIETY OF PALM BEACH COUNTY, INC.	561-655-8944
FLORIDA RURAL LEGAL AID SERVICES, INC.	561-820-8902
	(BELLE GLADE) 561-993-0003

COMPANI OU KA RELE POU-W MANDE INFORMASION

ACORN HOUSING CORPORATION	561-588-7618
CONSUMER CREDIT COUNSELING SERVICES, INC.	800-251-2227
CREDIT CARD MANAGEMENT SERVICES	561-472-8000
DELRAY COMMUNITY DEVELOPMENT CORP.	561-266-9840
HOUSING PARTNERSHIP, INC.	561-841-3500
LIFE IMPROVEMENT FOR TOMORROW, INC.	561-868-7026
URBAN LEAGUE OF PALM BEACH COUNTY, INC.	561-833-1461
HOPE NOW	888-995-HOPE
HOUSING LEADERSHIP COUNCIL OF PALM BEACH COUNTY	561-563-4107

OU GINYIN YOUN OUBYEN PLUS OPTION KI KAPAB DISPONIBE POU EDE-W KINBE KAY OU

REINSTATEMENT: POU-W PEYE TOUTE KOB OU TE DWE YO

FORBEARANCE: YAP REDUI OUBYEN SUSPANN KOB OU KONN PEYE KAY LA CHAK MWA POU YON TI TAN

REPAYMENT PLAN: YON PLAN KI PERMET MET KAY LA PEYE TOUTE KOB LI TE DWE YO AN TI MOSO EPI TOUTE KOB OU KONN PEYE CHAK MWA.

LOAN MODIFICATION: YON NOUVEL ANGAGEMENT SOU PAPIE KAP PERMET OU CHANGE KEK BAGAY NAN PREMIE ANGAGEMENT POU-W KAPAB PEYE KAY LA PI FASIL

SHORT SALE: ANPIL BANK KA PERMET OU POU-W VAN KAY LA POU YON TI KOB KI PI PITI KE SA OU DWE A. SI BANK LA ACEPTE ANPIL FWA YO PAP PENALIZE-W POU RES KOB YO PEDI A.

DEED-IN-LIEU OF FORCLOSURE: ANPIL FWA BANK YO ACEPTE POU-W TRANSFERE PAPIE KAY LA SOU NON YO POU YO KAPAB RETIRE KAY LA SOU NON-W

POU EVITE VOLEUR: TOUJOU CONTACTE YON MOUN OU BIEN YON AVOKA KI KAPABE EDE OU. PA SIYIN PAPIE EPI PA BAY KOB AK MOUN KI PA GINYIN YON KOMPANI KE GOUVERNEMAN REKONET. VEYE VOLEUR.

SI OU PANSE OU SE YON VIKTIM KI TE PRAN KOU DEJA NAN MEN YOUN NAN MOUN SA YO, OU MET RELE YOUN NAN NIMERO SA YO POU YO KA EDE-W.

FLORIDA DEPARTMENT OF FINANCIAL REGULATION	800-342-2762
FEDERAL TRADE COMMISSION	877-382-4357
OFFICE OF THE ATTORNEY GENERAL	866-966-7266
FLA. DEPT. OF AGRICULTURE	800-435-7352

Exhibit "A" - NOTICE TO HOMEOWNER

PLAINTIFF/LENDER'S LOSS MITIGATION INFORMATION

Lender's Name:

Phone Number: 800-000 0000

Fax Number: 888 000 0000

Address: _____

Amount Due: 1,010,523.67

PLEASE BE ADVISED: The "Amount Due" that is listed above is subject to change. The amount required to payoff the amounts due under your Note and Mortgage will be higher. In the event you request a modification of your loan, you will receive an updated breakdown of all amounts due to payoff or reinstate the Note and Mortgage. For more information on requesting a loan modification, please see the *Defendant/Borrower's Foreclosure Questionnaire (Exhibit "C")* and *Financial Statement (Exhibit "D")* documents which can be found on the attached pages.

This debt information is being provided pursuant to the applicable local or Court Rule
_____ (many Circuits have special requirements)

EXHIBIT "B - PLAINTIFF/LENDER'S LOSS MITIGATION INFORMATION

DEFENDANT BORROWER'S FORECLOSURE QUESTIONNAIRE

****IF YOU WOULD LIKE TO REQUEST A LOAN MODIFICATION FROM YOUR LENDER, PLEASE COMPLETE THIS PAGE AND FOLLOW THE DIRECTIONS BELOW****

Borrower(s) names(s): _____

Phone Number(s): _____ (daytime) _____ (evening)

Address: _____

DIRECTIONS: If you would like to request a loan modification from your lender, please fill out this page and follow the directions below:

1. Submit clear **copies** of the following documents to Plaintiff/lender's attorney (the address can be found on the summons or on the last page of the Complaint for Foreclosure). Do **NOT** send the original or your only copies of documents.
 - a. Two years Tax Returns; **and**
 - b. Proof of Current Employment (three months wage slips or other proof); **and**
 - c. Proof that you reside in the property (ie: last month electric, phone or water bill)
2. Complete the attached **Financial Statement (Exhibit "D")**
3. **FOR SHORT SALE APPLICANT** (a sale on your home is pending):
 - a. Executed sales contract; **and**
 - b. Proposed HUD-1
4. **Return this form (Exhibit "C") and the above listed documents and the Financial Statement (Exhibit "D") to the Plaintiff:** Mail all necessary documents to the Plaintiff/Lender's Attorney whose address can be found on the Summons or on the last page of the foreclosure complaint.
5. **File the Attached Notice of Compliance (Exhibit "E") with the Clerk of Court:** Complete and send the attached Notice of Compliance (Exhibit "E") to the Clerk of Court: Circuit Civil Division, 205 North Dixie Highway, West Palm Beach, Florida 33401. Do **NOT** file the financial documents with the Clerk of Court.

THIS IS NOT AN ANSWER TO THE COMPLAINT

EXHIBIT "C"
DEFENDANT/BORROWER'S FORECLOSURE QUESTIONNAIRE

FINANCIAL STATEMENT

BORROWER INFORMATION

Account # _____ Reason for Delinquency _____

Have you contacted a Consumer Credit Counseling Agency? _____

If "Yes" Agency Name and Contact Number: _____

Borrower Name: _____
 Co-Borrower Name: _____
 Mortgaged Prop. Address: _____
 Mailing Address: _____
 Home Phone: _____
 Other Phone: _____

EMPLOYMENT INFORMATION

BORROWER

CO-BORROWER

Employer: _____ Employer: _____

Emp. Address: _____ Emp. Address: _____

Emp. Phone: _____ Emp. Phone: _____

Job Position: _____ Job Position: _____

BANKRUPTCY INFORMATION

Chapter Type: _____ Attorney Name: _____

Filing Date: _____ Phone #: _____

Case #: _____ Active: Yes: _____ No: _____

ASSETS/LIABILITIES

DESCRIPTION	ESTIMATED VALUE	AMOUNT OWED	NET VALUE
Primary Residence Address:	\$	\$	\$
Number of dependents living on the property			
Number of persons living on the property			
Is the property listed for sale? _____ If Yes please list Agent name and contact phone number:			
Listing Price \$			
Other Real Property Address:			
Number of Automobiles Owned _____ Automobile			

EXHIBIT "D"

WPB 990736.1 00099996.06001

Make/Model:			
Automobile	\$	\$	\$
Make/Model:			
Bank Accounts --Checking:			
Bank Accounts - Savings:			
IRA/KEOGH Accounts:	\$	\$	\$
401K Savings Plan:			
Stocks / Bonds / CDs:			
Boats	\$	\$	\$
Cash Value of Life Insurance:			
Face Value of Life Insurance			
Collections / Art / Coins, Etc:	\$	\$	\$

Computers:			
Other:			
Other:			
Other:			
Other:			

INCOME DATA

DESCRIPTION	INCOME	TOTAL
Gross Salary / Wages:	\$	\$
Overtime Pay:		
Commissions:		
Bonuses:	\$	\$
Alimony / Child Support:		
Rental Property:		
Interest / Dividends: Savings Accounts:	\$	\$
Life Insurance:		
Stocks/Bonds:		
"Less" Taxes: Federal Income Tax:	\$	\$
FICA:		
State Income Tax:		
Other:	\$	\$
Other Deductions (Specify):		
Other Income (Specify):		
Other Income(Specify):		
NET INCOME:	\$	\$

DESCRIPTION	MONTHLY PYMT\$	BALANCE DUE	# MONTHS DELINQ.
Mortgage and Land Contract:	\$	\$	
Other Mortgage(s)			

Other (Please Specify):			
TOTAL:	\$	\$	\$

AUTHORIZATION AND ACKNOWLEDGEMENT

I obtained a Mortgage Loan secured by the above referenced mortgaged property. I certify that all information presented herein as well as attachments are true, accurate and correct to the best of my knowledge. I understand that submission of this information in no way obligates my mortgage servicer, owner of my mortgage or insurer to provide assistance to me.

By signing this Financial Statement, I hereby authorize my mortgage servicer and/or mortgage insurer to: 1) order a credit report from any credit reporting agency; 2) verify, when deemed necessary, any current or previous employment, bank accounts, tax returns, or assets; 3) contact my real estate agent and/or credit counseling service representative (if applicable); 4) release any and all information concerning the above.

I agree that the financial information provided herein is incorrect and such errors have induced actions by the mortgage servicer, owner of my mortgage or mortgage insurer that would not have been taken, had the true facts been known, I shall be liable for any or all losses or damages to those persons.

YOU SHOULD CONSIDER THIS LETTER AS COMING FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. ANY INFORMATION PROVIDED BY YOU WILL BE USED TO COLLECT THIS DEBT. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY.

PLEASE SIGN BELOW

 Borrower Date Co-borrower Date

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X
Securities Mortgage Loan Trust, Series 2007-
AB1

Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions
Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS
ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.
_____ /

**DEFENDANT’S NOTICE OF COMPLIANCE WITH
ADMINISTRATIVE ORDER NO. 3.305**

PLEASE TAKE NOTICE that the below named Defendant has complied with
Administrative Order 3.305-10/08 by forwarding the Defendant’s Foreclosure Questionnaire to
Counsel of record for the Plaintiff this ____ day of _____, 2012.

I HEREBY CERTIFY that a true and correct copy of this Notice of Compliance was sent
to Plaintiff’s counsel at _____ put address – on this
____ day of _____, 2008.

By: _____
Borrower’s Signature

Print Name

Address

**FILE THIS DOCUMENT WITH THE CLERK’S OFFICE -
NO DOCUMENTS ARE TO BE ATTACHED TO THIS NOTICE**

MAIL A COPY TO THE PLAINTIFF’S ATTORNEY

RETAIN A COPY FOR YOUR RECORDS

Exhibit “E” - NOTICE OF COMPLIANCE

090454C/dmd

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS,

Defendants.
_____/

TO: Billions Gate and Millions Gate (aka) Millie Gate
11087 STONEWOOD TRAIL
Lutz, FL 33685

THE STATE OF FLORIDA

TO ALL AND SINGULAR APPOINTED PROCESS SERVERS AND SHERIFFS OF THE STATE: YOU
ARE COMMANDED TO SERVE THIS SUMMONS AND A COPY OF THE COMPLAINT OR PETITION
IN THIS LAWSUIT ON THE ABOVE-NAMED DEFENDANT.

**SUMMONS
PERSONAL SERVICE ON NATURAL PERSON
IMPORTANT**

A LAWSUIT HAS BEEN FILED AGAINST YOU. YOU HAVE 30 CALENDAR DAYS AFTER THIS
SUMMONS IS SERVED ON YOU TO FILE A WRITTEN RESPONSE TO THE ATTACHED COMPLAINT
IN THIS COURT. A PHONE CALL WILL NOT PROTECT YOU. YOUR WRITTEN RESPONSE,
INCLUDING THE ABOVE CASE NUMBER AND NAMED PARTIES, MUST BE FILED IF YOU WANT
THE COURT TO HEAR YOUR CASE. IF YOU DO NOT FILE YOUR RESPONSE ON TIME, YOU MAY
LOSE THE CASE, AND YOUR WAGES, MONEY, AND PROPERTY MAY THEREAFTER BE TAKEN
WITHOUT FURTHER WARNING FROM THE COURT. THERE ARE OTHER LEGAL REQUIREMENTS.
YOU MAY WANT TO CALL AN ATTORNEY RIGHT AWAY. IF YOU DO NOT KNOW AN
ATTORNEY, YOU MAY CALL AN ATTORNEY REFERRAL SERVICE OR A LEGAL AID OFFICE
(LISTED IN THE PHONE BOOK). IF YOU CHOOSE TO FILE A WRITTEN RESPONSE YOURSELF, AT
THE SAME TIME YOU FILE YOUR WRITTEN RESPONSE TO THE COURT YOU MUST ALSO MAIL
OR TAKE A CARBON COPY OR PHOTOCOPY OF YOUR WRITTEN RESPONSE TO THE
"PLAINTIFF/PLAINTIFFS ATTORNEY" NAMED BELOW.

ATTORNEYS FOR PLAINTIFF
OLD MAN POTTER PA
address _____
Tampa, Florida 33601-0800

AMERICAN BANKRUPTCY INSTITUTE

WITNESS MY HAND AND SEAL OF THIS COURT ON _____, 20__.

Clerk of the Circuit Court
P.O. Box
Tampa, Florida
Tel:
Fax:

(SEAL) By: _____ Deputy Clerk

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator, Palm Beach County Courthouse, 205 N. Dixie Highway, West Palm Beach, Florida 33401, phone (561) 355-2431 within 2 working days of your receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8771. *Notice: Under the Fair Debt Collection Practices Act as described in the Complaint, no default will be taken until after 30 days have elapsed as required by Federal law.

086150.090454C/dmd

SUMMONS:
PERSONAL SERVICE ON AN INDIVIDUAL

IMPORTANT

A lawsuit has been filed against you. You have 30 calendar days after this Summons is served on you to file a written response to the attached Complaint in this Court. A phone call will not protect you; your written response, including the above case number and named parties, must be filed if you want the Court to hear your case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a carbon copy or photocopy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene treinta (30) días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes, interesadas en dicho caso. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney". (Demandate o Abogado del Demanadante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 30 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

Plaintiff/Plaintiff's Attorney:

/s/
OLD MAN POTTER
Florida Bar No.:1234567
OLD MAN POTTER, P.A.
P.O. Box 007
Tampa, FL 33601
(813) 123 4567 ext 1382
Attorneys for Plaintiff

090454C/dmd

**VALUE OF REAL PROPERTY OR
MORTGAGE FORECLOSURE CLAIM**

The form below has been designed to assist with the calculation requirements of s. 28.241 (1)(a)2.a., F.S. , regarding mortgage foreclosure graduated filing fees, based on the estimated value of the claim and includes the required fees for mediation, education and additional defendants. (See chart below)

Date: 3/12/2010 Case Number:

Plaintiff(s): _____

Defendant(s): _____

1. \$1,010,523.67 Principal due on the
note

2. \$ _____ Interested owed
on the note

3. \$ _____ Total advances
owed on the note including

\$ _____ Property Taxes

\$ _____ Insurance

\$ _____ Other advances

(The total of these three categories
provides the amount for line 3.)

4. _____ Value of Tax
Certificates relating to mortgage

**5. \$1,010,523.67 TOTAL ESTIMATED
VALUE OF CLAIM**

(Add lines 1 - 4 to get the total for
line 5)

Submitter: Old Man Potter PA

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.
_____ /

DEFENDANT’S MOTION TO DISMISS

Defendants Billions Gate and Millions Gate MOVE this Court to Dismiss

Plaintiff’s Complaint and would show:

I - Failure to State a Cause of Action

1. The Plaintiff has alleged that the OWNERS have breached the terms of their agreement as set forth in the promissory note by failing to make payments as they became due.

2. This claim is essentially a breach of contract claim.

3. To bring this claim properly, the Plaintiff must first establish performance on its part of the contractual obligations imposed in the contract. See *Babe, Inc. v. Babies Formula Services, Inc.*, 165 So.2d 795 (Fla. 3rd DCA 1964). The Plaintiff has failed to state that all conditions precedent to the filing of this action have been met.

4. Furthermore, the Complaint is invalid if it fails to comply with Florida Statutes §673.3091(2), which Provides in relevant part:

The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means.

5. There has been no assurance or allegation in the Complaint that the OWNERS are adequately protected against the loss that might occur by reason of a claim brought by another party to enforce the instrument.

6. Pursuant to Florida Statutes §673.3091(2), the Plaintiff, when attempting to re-establish a lost note, must allege that it will indemnify and hold harmless the OWNERS from any loss that the OWNERS may incur by reason of a claim brought by another party to enforce the lost note and mortgage. The Plaintiff makes no such allegation in the Complaint.

II - Failure to Post a Non-resident Cost Bond

7. At no point in its Complaint does the Plaintiff allege either that it is a registered Florida corporation or that it is authorized to do business in the State of Florida.

8. Upon knowledge and information, the Plaintiff is a non-resident to the State of Florida.

9. Florida Statutes §57.011 provides, in part:

When a non-resident plaintiff begins an action...he or she shall file a bond with surety to be approved by the clerk of \$100, conditioned to pay all costs which may be adjudged

FAILURE TO STATE A CLAIM AND ESTABLISH STANDING

10. Plaintiff's Complaint purports to be brought in the name of either a holder, an owner or a party having rights of enforcement of the Note against the Defendants

11. On its face, Plaintiff is not the party named in the Note and Plaintiff has not provided any connecting documents such as endorsements or Allonges to the Note to show the manner in which the Plaintiff may have the rights it claims in the Complaint.

12. At present it would appear that Plaintiff lacks the necessary requirements to appear before this Court either by way of an endorsement or Allonge naming Plaintiff or in blank; or by virtue of a Power of Attorney permitting Plaintiff to bring the action in this Court.

13. Plaintiff has likewise failed to produce any Assignment of the Mortgage or other document in accordance with FS 702.01.

Wherefore, Defendants pray the Court Dismiss the Complaint and for all other relief as is proper and just.

Rhett Butler, Esq

CERTIFICATE OF SERVICE

Name and Address of Old Man Potter, Esq. by US Mail etc

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X
Securities Mortgage Loan Trust, Series 2007-
AB1

Plaintiff,

vs.

Hose Em and Doze Em National Bank
Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS
ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____ /

ORDER ON DEFENDANT'S MOTION TO DISMISS

THIS CAUSE, having come before the Court on the Motion to Dismiss filed by Defendant, OLGA GRANT AND NICHOLE CLARKE, the Court having been advised that the parties are in agreement that since certain conditions have been met by Plaintiff, Defendant has agreed to withdraw their Motion to Dismiss, it is hereby

ORDERED AND ADJUDGED:

1. Defendant's Motion to Dismiss is hereby GRANTED in Part and Denied in Part.
2. Plaintiff Shall Amend the Complaint within 20 days to attach a complete copy of the Note with all Endorsements to the Note and any Assignments of Mortgage, Recorded or Unrecorded.
3. Defendant shall have 20 days from Service of the required Note and Endorsements and any Assignments of Mortgage, to file a response pleading to Plaintiff's Complaint

DONE AND ORDERED in Chambers at Hillsborough County, Florida, this _____ day of _____, 2012.

Gregory P. Holder
CIRCUIT JUDGE

Conformed copies to:
OLD MAN POTTER, PA
Rhett Butler, Esq.

The Honorable
Hillsborough County Courthouse

Re: EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate; CANYON
ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS,

Case No. 2012-CA-00
Our Reference No. 090454C

Dear Judge Holder:

Enclosed please find the proposed Order on Motion to Dismiss filed by Defendants Billions Gate et al in the above-styled case. The parties are in agreement as to the form of the Order on the Motion to Dismiss. If you deem the Order appropriate, please execute the order and have conformed copies sent to the parties in the enclosed stamped, self-addressed envelopes.

Thank you for your consideration in this matter.

Sincerely,

OLD MAN POTTER, Esq.,

Enclosures
cc: Rhett Butler , Esq.

RE: Answer and Affirmative Defenses

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____ /

Number of Pages (including cover page): 5

Please find our Answer and Affirmative Defenses filed on behalf of the defendant.

If you have any questions please do not hesitate to contact our office.

Yadira Montijo
Legal Assistant

This message is only for the use of the named addressee and may contain legally privileged and confidential information. If you are not the named addressee, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this message in error, please immediately e-mail the information back to the sender and then delete this message from your files. Please call us collect if you have any questions.

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.
_____ /

ANSWER AND AFFIRMATIVE DEFENSES

and pursuant to Rule 1.110, Fla.R.Civ.P., answers the complaint and states affirmative
defense as follows:

GENERAL ALLEGATIONS

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied as to the execution and delivery of a Note, plaintiff failed to attach a copy to its complaint. Admitted as to the execution, delivery and recording of the mortgage.
5. Denied as to plaintiff holding the Note. Admitted holding the mortgage.
6. Without knowledge therefore denied.
7. Without knowledge therefore denied.

8. Defendant requests the opportunity to find a resolution to above case through a short sale or loan modification.
9. Without knowledge therefore denied.
10. Without knowledge therefore denied.
11. Admitted.
12. Without knowledge therefore denied.

COUNT I-MORTGAGE FORECLOSURE

13. Defendant re-alleges and incorporates paragraphs 1 through 12 in this Answer.
14. Admitted.
15. Without knowledge therefore denied.
16. Without knowledge therefore denied.
17. Any allegations not specifically admitted or denied herein in denied.

AFFIRMATIVE DEFENSES

18. **Failure to Attach a Copy or Original of the Note.** Plaintiff has failed to state a cause of action to re-establish a lost negotiable instrument because the plaintiff failed to attach a copy of the instrument as required by Rule 1.130, Fla.R.Civ.P.

19. **Failure to State a Cause of Action for Foreclosure.** Having failed to state a cause of action for re-establishment and having failed to attach a copy of the note, Count II of the complaint should be dismissed. Upon dismissal of Count II, Count I also fails to state a cause of action for foreclosure, because the remedy of foreclosure only exists upon the default of an obligation that must be established either through attachment of a copy of the note or upon proper proof to re-establish the instrument, if it is lost.

Having failed to do this, Plaintiff has failed to state a cause of action for foreclosure and Count II should also be dismissed.

20. **Failure to Provide Loan Resolution in Good Faith.** The lender has failed to review the eligibility of the defendant(s) for a loan modification or similar workout as required by Home Affordable Modification Program (HAMP), as adopted by Congress in the Helping Families Save Their Home Act, prior to filing this foreclosure action. HAMP requires the lender or its servicing agent to evaluate and determine the defendant(s) to be ineligible for a loan modification prior to proceeding with a foreclosure law suit and the lender has failed to undergo this analysis.

21. **Attorney Fees.** The defendants have incurred attorney fees in connection with this foreclosure action. Pursuant to section 57.105(7), Fla.Stat., because the contract contains a provision allowing attorney's fees to the plaintiff to enforce the contract, the court may also allow reasonable attorney's fees to the defendant when the defendant prevails in the action with respect to the contract.

WHEREFORE, the defendant prays that the Court dismiss this foreclosure action, award the defendant his reasonable attorney fees, and any other action the Court deems appropriate.

Rhett Butler, Esa

CERTIFICATE OF SERVICE

Name and Address of Old Man Potter by US Mail etc

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____ /

REQUEST FOR PRODUCTION

Defendants Billions Gate and Millions Gate

pursuant to Rule 1.350, Fla.R.Civ.P., request that the plaintiff produce the following
documents within 30 days:

1. Reinstatement Figures;
2. Pay Off Figures;
3. Payment History;
4. Contact History;
5. Address and fax number for the plaintiff's Loss Mitigation, or Default Resolution department;
6. Copy of the original promissory note;
7. Copy of any assignments of the mortgage starting with the originating lender and ending with the plaintiff;
8. Any analysis performed by the lender prior to or during the pendency of this foreclosure action related to the borrower's eligibility or ineligibility for a loan modification pursuant to the Home Affordable Modification Program (HAMP);

9. Any documents requested by the lender or its servicing agent in its HAMP review; and
 10. Any documents provided by the defendant(s) to the lender or its servicing agent pursuant to the lender's HAMP review.
-

Rhett Butler, Esa

CERTIFICATE OF SERVICE

Name and Address of Old Man Potter by US Mail etc

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____ /

PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST REQUEST FOR PRODUCTION

COMES NOW, Plaintiff, EZ Money, Inc, ("Plaintiff"), by and through its undersigned attorney, and pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, files this, its Response to Defendant(s) Defendants Billions Gate and Millions Gate ("Defendant"), First Request for Production and states as follows:

- 1.
- 2.
- 3.

ETC

Old Man Potter, Esq

CERTIFICATE OF SERVICE

Name and Address of Rhett Butler, Esq **by US Mail etc**

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____/

**MOTION FOR SUMMARY JUDGMENT AND
MEMORANDUM OF LAW IN SUPPORT**

Comes Now the Plaintiff, EZ- Money, Inc., by and through its undersigned attorneys, and files this, its Motion for Summary Judgment and its Memorandum of Law in support of its Motion for Summary Judgment, and sets forth as follows:

INTRODUCTION

This action is a foreclosure complaint brought by the Plaintiff as Trustee against the Defendants alleging the acceleration and default in the payments due Monthly since October 15, 2009. Plaintiff's allegations in the complaint, are based upon the unrefuted testimony of the Plaintiff's Representative as contained in the supporting Affidavit.

The Plaintiff has alleged all of the conditions precedent to the foreclosure and enforcement of its mortgage lien. Even though Defendant Billions Gate has discharged his personal liability in bankruptcy, the Plaintiff still has In rem rights which survive Debtor's discharge under 11 USC section 524. See Especially, Dewsnap v Timm 502 U.S. 410 (1992) see also Johnson v Home State Bank 501 U.S. 78 (1991) (liens pass

through bankruptcy unaffected unless avoided during the bankruptcy case) (surviving in rem rights give rise to in rem claims post discharge)

The Defendants Billions Gate and Millions Gate filed their answer which denied the essential allegations of the complaint and raised affirmative defenses. In particular, Defendant denies the default, but has not provided any evidence of payment post default. In addition, Defendant challenged the Plaintiff's standing before the Court, and Plaintiff provided all of the necessary documents – The Note with Endorsement in Blank as well as the unrecorded Assignment of Mortgage dated prior to the instant Complaint.

The Parties exchanged discovery some of which has been provided to the Court . That discovery is still pending and the response from the Defendant has not been received as yet.

Plaintiff filed this motion for summary judgment on August 15, 2012, and attached an Affidavit for Summary Judgment, based upon the testimony of a business records custodian of the Plaintiff.

STATEMENT OF FACTS

There is no dispute that Defendants executed the Note and used the proceeds to finance purchase of their home There is no dispute the obligation went into default when the Defendants failed to make payments when due. In late 2009, Defendant sought a payment extension, but when a default continued, the Plaintiff declined further concessions.

Plaintiff has a alleged that it has the proper rights of a party to enforce the subject Note and Mortgage. Plaintiff as produced as Ordered the Note and the Endorsement in Blank and the unrecorded Assignment of the Mortgage

Based upon the default in payment and no evidence to controvert same, and based upon defaults obtained as to each of the other Defendants, Plaintiff submits that the case is ripe for Summary Judgment.

ARGUMENT

Motions for summary judgment should only be granted when the “movant shows that that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *Florida Rule of Civ Procedure* _____ A summary judgment is appropriate whenever there is a no genuine issue as to any material fact and the moving party would not be entitled to summary judgment as a matter of law. A fact is material if it might affect the outcome of a proceeding under the governing substantive law. (Citation to State Court case Omitted) *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986). In the instant case, no genuine issues of material fact exist and as a result the Court can at this stage of the case, determine the outcome using summary judgment. (Citation to State Court case Omitted) *In re Bryson*, 187 B.R. 939, 955 (Bankr. N.D. Ill. 1995). The moving party bears the burden of showing that there is no genuine issue of material fact in dispute. (Citation to State Court case Omitted) *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986). Plaintiff has met that burden because of the central fact issues are clearly undisputed and and any plausible disputed facts have not been substantiated by any document or testimony including Defendant’s affidavit.

In considering the motion, the Court must construe the evidence and the inferences drawn from the underlying facts in the light most favorable to the non-moving party. (Citation to State Court case Omitted) See *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S. Ct. 1348, 89 L. Ed. 2d 538 (1986); *Corman v HBC*

Florida Inc., 182 F.3d 1291 (11th Cir. 1999); *Terrell v USAir*, 132 F.3d 621 (11th Cir. 1998). Furthermore, facts asserted by the party opposing a summary judgment motion must be regarded as true if supported by an affidavit or other proper evidentiary material. (Citation to State Court case Omitted) *See Humphrey v. Potter*, 162 Fed.Supp. 2nd 1354 (S. D. Florida 2001). If the record presents factual issues, the Court must not decide them, but must deny the motion and proceed to trial. (Citation to State Court case Omitted) *Burton v. Tampa Housing Authority*, 271 F.3d 1274 (11th Cir. 2001).

The Plaintiff submits that the Plaintiff has met the standard needed for the Court to grant a summary judgment in this case. There are clearly no material factual issues in dispute. Plaintiff's counsel took extra steps by producing all records ordered or requested by Defendants and answered all discovery. In addition, Plaintiff has supplied its collection history on this Note and Mortgage. This history has been reiterated and summarized by Plaintiff's Affidavit. Because Plaintiff has met every type of attempt to to defeat the foreclosure including filing a personal bankruptcy, Plaintiff has kept a detailed account record of the Payments or lack thereof in the instant case.

While there is a strong policy in favor of determining disputes on the merits, Plaintiff's action in seeking summary judgment does not contravene that policy. Rather it advances the policy because Defendants' defense is self serving, hyper technical and otherwise ill founded as a matter of law.

CONCLUSION

Plaintiff has met its burden, because at the very core of this case the central facts concerning whether there has been a payment default and proper acceleration cannot be refuted.

For the foregoing reasons, Plaintiff's Motion for Summary Judgment should be denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2012. I served a copy of the foregoing Motion and Memorandum as well as the Supporting Affidavit upon: Rhett Butler, Esq.

/S/ OLD MAN POTTER, ESQ.

Per Diem \$	
Late Charges	
Inspection Fee (2 @ \$13.00)	
Escrow Deficiency - Taxes	
Escrow Deficiency - Insurance	
Unapplied Credit	
Other Charges	
TOTAL	

5. Plaintiff has agreed to pay its attorneys a reasonable fee for legal services rendered herein.

6. Further Affiant Sayeth Naught

 _____ (typed name)

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20__ by _____, who is personally known to me and who did take an oath.

 Notary Public

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION
Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____/

NOTICE OF CASE AT ISSUE AND SETTING TRIAL

THIS CASE IS Before the Court for Non Jury Trial before the Honorable
Gregory P. Holder, Circuit Judge. The Trial in this matter shall commence at
1:00 PM on SEPTEMBER 15, 2012 or as soon thereafter as may be heard.

NO MOTIONS FOR CONTINUANCE WILL BE ENTERTAINED AT TRIAL

All attorneys should be thoroughly familiar with the cause and prepared to consider and determine such matters as are set forth in Rule 1.200(b). Failure to appear as directed or to otherwise strictly comply with the terms of this Order may result in sanctions including, dismissing the action, striking the pleadings, limiting proof or witnesses or taking any other appropriate action. It is further

ORDERED AND ADJUDGED as follows:

1. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure. See Rules 1.300 and 1.460 F.R.Civ.P. and Rule 2.085 of the Florida Rules of Judicial Administration.
2. The following shall be done no later than **TWENTY (20) days** prior to trial date set forth above:
 - (a) Parties shall furnish opposing counsel with the names and addresses of all expert witnesses to be called at trial and all information regarding expert testimony that is required by Rule 1.280(4)(A). Each party is limited to one expert per specialty. No other expert testimony shall be permitted at trial. Information furnished pursuant to this paragraph shall be timely filed with the Clerk of the Court.
 - (b) All exhibits to be offered in evidence at trial shall be made available to opposing counsel for examination and initialing.
3. The following shall be done no later than **fifteen (15) days** prior to the trial date set forth above:
 - (a) Parties shall furnish opposing counsel with a written list containing the names and addresses of all non-expert witnesses (impeachment, rebuttal or otherwise) intended to be called at trial and only those witnesses listed shall be permitted to testify. A written list identifying all exhibits

intended to be offered shall also be furnished to opposing counsel and only those exhibits may be offered in evidence. Copies of witness and exhibit lists shall be timely filed with the Clerk of the Court.

(b) All exhibits to be offered in evidence at trial shall be made available to opposing counsel for examination and initialing.

(c) All plaintiff medical evaluations and other examinations pursuant to Rule 1.360 F.R. Civ.P. shall have been completed.

4. The following shall be done at least **fifteen (15) days** prior to the trial date set forth above:

(a) All pre-trial motions, depositions noticed for use at trial and/or discovery matters or proceedings related thereto shall have been completed. **Attorneys are admonished to undertake, initiate and/or complete all discoveries in such a manner as to comply with the time limitations set forth herein. No further discovery procedures or depositions for preservation of testimony shall be allowed without specific leave of Court or Court-approved written agreement of counsel.**

(b) Counsel shall meet with a view toward exhausting all efforts to reach a settlement.

5. Counsel shall immediately notify this Court in the event of settlement and submit a Stipulation for and Order of Dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement.

6. In the event the Trial of this matter is continued, then each time limitation and provision contained above shall apply as to the new trial date.

DONE and ORDERED at Tampa, Florida on _____

Gregory P. Holder
Hillsborough County Circuit Judge

Copies to:

Rhett Butler, Esq
Old Man Potter, Esq.

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities
Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate,
Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS,

Defendants.

_____/

UNIFORM FINAL JUDGMENT OF FORECLOSURE

(Effective January 3, 2011)

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on February 8, 2012. Based on the evidence presented and being otherwise fully informed in the premises,

IT IS ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over _____, defendants.

2. VALUE OF CLAIM: At the initiation of this action, in accordance with section 28.241(1)(a)2.b, Florida Statutes (effective for actions filed on and after June 1, 2009), Plaintiff estimated the amount in controversy of the claim to be \$_____ In accordance with section 28.241(1)(a)2.c, Florida Statutes, the Court identifies the actual value of the claim to be \$_____. For any difference between the estimated amount in controversy and the actual value of the claim that requires the filing fee to be adjusted, the Clerk shall adjust the filing fee. In determining whether the filing fee needs to be adjusted the following graduated filing fee scale in section 28.241(1)(a)2.d, Florida Statutes, controls:

\$400	Value of claim less than or equal to \$50,000 with 5 defendants or less
\$905	Value of claim greater than \$50,000 but less than \$250,000 with 5 defendants or less
\$1,905	Value of claim \$250,000 or greater with 5 defendants or less

If an excess filing fee was paid, the Clerk shall provide a refund of the excess fee. If an additional filing fee is owed, the Plaintiff shall pay the additional fee prior to the judicial sale. If any additional filing fee owed is not paid prior to the judicial sale, the Clerk shall cancel the judicial sale without further order of the Court.

3. There is due and owing to the Plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$
Interest on the note and mortgage from 08/01/2009 to 02/08/2012	\$
Per diem interest at \$23.61 from 08/01/2009 to 02/08/2012	
Late Charges	\$
Title Search Expenses	\$
Filing Fee	\$

AMERICAN BANKRUPTCY INSTITUTE

Service of Process	\$
SUBTOTAL	\$
Additional Costs:	
Property Inspections/Preservation	\$
Recording Fee	\$
SUBTOTAL	\$
Attorney's fees (the requested attorney's fee is a flat rate fee that the firm's client has agreed to pay in this matter. Given the amount of fee requested and the labor expended, the Court finds that a lodestar analysis is not necessary and that the flat fee is reasonable)	\$1,250.00
TOTAL SUM	\$

4. The total sum referenced in Paragraph 3 shall bear interest from this date forward at the prevailing legal rate of interest.

5. Plaintiff, whose address is _____, holds a lien for the total sum specified in Paragraph 3 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest, or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendant or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Sections 718.116 and 720.3085. The plaintiff's lien encumbers the subject property located in Hillsborough County, Florida, and described as:

(Complete Legal insert here)

Property address: _____; including the building, appurtenances, and fixtures located therein.

SPECIAL PROVISION RE BILLIONS GATE BANKRUPTCY DISCHARGE–

Plaintiff has advised the Court that as to Billions Gate, Plaintiff is only proceeding in rem because Billions Gate has been discharged in a prior chapter 7 case which discharged the underlying Debt owed under the Note. Such Discharge did not affect the Mortgage Lien and does not prevent Plaintiff from proceeding in personam as to all other Defendants obligated under the Note who have not been discharged in bankruptcy.

6. If the total sum with interest at the rate described in Paragraph 4 and all costs accrued subsequent to this judgment are not paid, the Clerk of this Court shall sell the subject property at public sale on _____, 20__ at ____ 10:00 AM or ____ 2:00 PM to the highest bidder for cash, except as prescribed in Paragraph 7, on the 2nd FLOOR OF THE GEORGE E EDGECOMB BUILDING, ROOM 201/202, located at 800 EAST TWIGGS STREET, in TAMPA, Florida after having first given notice as required by Section 45.031, Florida Statutes. At least three (3) days prior to the sale, Plaintiff must pay the costs associated with the Notice of Publication.

7. Plaintiff shall advance all subsequent required costs of this action and shall be reimbursed for them by the Clerk if plaintiff is not the purchaser of the property for sale. If plaintiff is the purchaser, the Clerk shall credit plaintiff's bid with the total sum with interest and cost accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

8. If Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specified in paragraph 6 herein, Plaintiff may, by written motion served on all parties, seek to amend this final judgment to include said additional expenses.

9. On filing the Certificate of Title, the clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the plaintiff's costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third,

plaintiff's attorneys' fees; fourth, the total sum due to the plaintiff, less the items paid, plus interest at the rate prescribed in Paragraph 4 from this date to the date of the sale; and by retaining any remaining amount pending further Order of this Court.

10. On filing the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property. On filing of the Certificate of Sale, defendant's right of redemption as proscribed by Florida Statutes, Section 45.0315 shall be terminated.

11. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that the fees charged to the Plaintiff by its attorneys are reasonable in light of the work performed, the complexity of the case, the expertise of the lawyers performing the work and the fees charged by other lawyers in the community handling similar cases. PLAINTIFF'S COUNSEL CERTIFIES THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985).

12. Pursuant to Florida Statutes, Section 45.031:
IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK

WITH THE CLERK OF THE COURT, PAT FRANK, 813-276-8100 , EXT. 4784(FORECLOSURE SALES); EXT. 4365(CIRCUIT CIVIL), EXT. 4367(RECORDING DEPT),800 TWIGGS STREET, ROOM 530, TAMPA, FL, 33602 WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT Bay Area Legal Services-Tampa- 813-232-1343 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT Bay Area Legal Services-Tampa- 813-232-1343 FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

13. The Plaintiff may assign the judgment and credit bid by the filing of an assignment without further order of the court.

14. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, orders authorizing writs of possession and an award of attorney's fees, and to enter deficiency judgments if the borrower has not been discharged in bankruptcy.

15. The Mortgage found in Official Records Book 18352 page 1435 is hereby removed from the chain of title on the subject property.

16. The purchaser of a condominium unit or of a home owner association property at the judicial sale scheduled herein shall be responsible for assessments and other charges in accordance with Florida Statutes §§718.116 and 720.3085, respectively.

AMERICAN BANKRUPTCY INSTITUTE

DONE AND ORDERED in Chambers at the Hillsborough County Courthouse, Tampa,
Florida, this _____ day of _____, 20__.

CIRCUIT JUDGE

Conformed Copy furnished to:

Billions Gate

Millions Gate

Rhett Butler

Old Man Potter

Hose Em and Doze Em National Bank

CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and

UNKNOWN TENANTS/OWNERS,

FINAL DISPOSITION FORM

From 1.998. This form shall be filed by the prevailing party for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X
Securities Mortgage Loan Trust, Series 2007-
AB1

Plaintiff,

vs.

Hose Em and Doze Em National Bank
Billions Gate, Millions Gate (aka Millie Gate;
CANYON ISLES HOMEOWNERS
ASSOCIATION, INC., and UNKNOWN
TENANTS/OWNERS,

Defendants.

_____/

II. MEANS OF FINAL DISPOSITION (Place an "X" in one box for major category and one subcategory, if applicable, only)

- Dismissed Before Hearing
 - Dismissed Pursuant to Settlement - Before Hearing
 - Dismissed Pursuant to Mediated Settlement - Before Hearing
 - Other - Before Hearing

- Dismissed After Hearing
 - Dismissed Pursuant to Settlement - After Hearing
 - Dismissed Pursuant to Mediated Settlement - After Hearing
 - Other - After Hearing

- Disposed by Default
- Disposed by Judge

- Disposed by Non-Jury Trial
- Disposed by Jury Trial
- Other

DATE: _____, 2012

Old Man Potter, PA

Gulf Coast Business Review
412 E. Madison Street Suite 911
Tampa, FL 33602

RE: Case Style

Dear Gulf Coast Business Review:

Enclosed please find the Notice of Sale for the above referenced matter in connection with the hearing held on February 8, 2012. Please publish our Notice of Sale in your paper once a week for two (2) consecutive weeks. Prior to the first publication date, please fax or email our office a proofing copy to **813/XXX XXXX**.

Please file the original proof of publication with the clerk's office. If your office is unable to do so, please contact our office at the following number.

Sincerely,

Old Man Potter, PA

AMERICAN BANKRUPTCY INSTITUTE
IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.
Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS,

Defendants.

_____ /

NOTICE OF SALE

Notice is hereby given, pursuant to Final Judgment of Foreclosure for Plaintiff entered in this cause on
February 8, 2012, in the Circuit Court of Hillsborough County, Florida, I will sell the property situated in
Hillsborough County, Florida described as:

(Put in Full Legal)

and commonly known as: _____ address; including the building,
appurtenances, and fixtures located therein, at public sale, to the highest and best bidder, for cash, **at the
George Edgecomb Courthouse located at 800 E. Twiggs Street, Room 201/202 Tampa, Florida**, on
_____ at ____ 10:00 AM or ____ 2:00 PM .

Any persons claiming an interest in the surplus from the sale, if any, other than the property owner as of
the date of the lis pendens must file a claim within 60 days after the sale.

Dated this _____ day of _____, 20____.

Clerk of the Circuit Court

By: _____
Deputy Clerk

Invoice to:
OLD MAN POTTER PA
Please fax a first insertion and costs of publishing to 813-XXX XXXX Attention: Foreclosure Department.

PLEASE PUBLISH THE ABOVE IN:
Gulf Coast Business Review

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities
Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate,
Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS,

Defendants.

_____ /

CERTIFICATE OF SALE

The undersigned Clerk of the Court certifies that Notice of Public Sale of the property described in the Order of Judgment was published in the Gulf Coast Business Review, a newspaper circulated in Hillsborough County, Florida, in the manner shown by the proof of publication attached and on _____, the property was offered for public sale to the highest and best bidder for cash. The highest and best bid received for the property was submitted by _____

of address _____
to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the Order or Final Judgment.

WITNESS my hand and the seal of this Court this _____ day of _____,
20____.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk

AMERICAN BANKRUPTCY INSTITUTE

Prepared By: Old Man Potter PA

cc:

Billions Gate

Millions Gate

Rhett Butler

Hose Em and Doze Em National Bank

CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and

UNKNOWN TENANTS/OWNERS.

IN THE CIRCUIT COURT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Case No. _____

EZ Money, Inc as Trustee for ALT-X Securities Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

vs.

Hose Em and Doze Em National Bank Billions Gate, Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and UNKNOWN TENANTS/OWNERS,

Defendants.

_____ /

CERTIFICATE OF TITLE

The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action
on _____ for the property described herein and that no objections to the sale have been
filed within the time allowed for filing objections.

The following property in Hillsborough County, Florida:

(Put in Legal)

Parcel ID:

and commonly described as: address _____; including the
building, appurtenances, and fixtures located therein.

was sold to _____

_____ **address**

WITNESS my hand and the seal of the Court on this ____ day of _____, 20____.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk

Prepared By Old Man Potter PA
cc: Billions Gate
Millions Gate
Rhett Butler
Hose Em and Doze Em National Bank
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS

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Mortgage Loan Trust, Series 2007-AB1
Plaintiff,

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Millions Gate (aka Millie Gate; CANYON ISLES
HOMEOWNERS ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS,

Defendants.

_____ /

CERTIFICATE OF DISBURSEMENTS

The undersigned Clerk of the Court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

<u>NAME</u>	<u>AMOUNT</u>
TOTAL	=====

WITNESS my hand and the seal of this Court on the _____ day of _____, 20_____.

CLERK OF CIRCUIT COURT

(SEAL)

By: _____
Deputy Clerk

Prepared By: Old Man Potter, PA
cc: Billions Gate
Millions Gate
Rhett Butler
Hose Em and Doze Em National Bank
CANYON ISLES HOMEOWNERS ASSOCIATION, INC., and
UNKNOWN TENANTS/OWNERS