

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

JPMC SPECIALTY MORTGAGE, LLC

CASE NO.: 09-CA-008126

Plaintiff,

v.

DWAYNE M. BELL, et al.

Defendants.

FILED
CLERK OF CIRCUIT COURT
2013 JUL 29 AM 9:35
HILLSBOROUGH COUNTY, FLA
CIVIL

ORDER GRANTING DEFENDANT'S MOTION FOR DIRECTED VERDICT

THIS CAUSE came before the Court on June 21, 2013, following Defendant, DWAYNE M. BELL'S Motion for Directed Verdict, made at the close of Plaintiff's evidence. The Court having heard the arguments of counsel on the motion, and reviewed and considered all of Plaintiff's evidence it is hereby

ORDERED AND ADJUDGED as follows:

1. Plaintiff JPMC Specialty Mortgage, LLC filed its two-count Complaint on March 27, 2009, seeking to foreclose a mortgage and to re-establish a lost Note. Attached to the Complaint was a Promissory Note payable to Accredited Home Lenders, Inc. The Promissory Note attached to the Complaint contains no endorsements.

2. Defendant Dwayne M. Bell filed an Answer to the Complaint on April 22, 2009 and after securing leave to amend, filed an Amended Answer and Affirmative Defenses on February 22, 2013. Included in this Amended Answer and Affirmative Defenses was a request by Defendant that title to the subject property be quieted.

3. On July 17, 2009, Plaintiff filed a Notice of Filing of Original Note and Mortgage with the Court. Plaintiff alleges this Note to be the original Note. In contrast to the Note attached to the Complaint, this Note contained an Allonge with an undated endorsement to Washington Mutual Bank. However, a Complaint based on that Note was not filed and the original Complaint was never amended.


4. At the close of Plaintiff's evidence, Defendant Dwayne M. Bell argued that the Note filed on July 17, 2009 was not properly before the Court in the absence of an amended Complaint based on that Note. This Court agrees. *See Feltus v. U.S. Bank Nat'l Ass'n*, 80 So.3d 375 (Fla. 2d DCA 2012).

THEREUPON, based on the above and foregoing findings, on the arguments of counsel and case law presented at trial, and being otherwise duly advised in the premises, it is hereby:

ORDERED AND ADJUDGED that Defendant's Motion for Directed Verdict is hereby GRANTED.

ORDERED AND ADJUDGED that Defendant's request to quiet title is hereby DENIED.

DONE AND ORDERED in Chambers, in Tampa, Hillsborough County, Florida, this 26 day of July, 2013.


HONORABLE
CIRCUIT JUDGE

Copies furnished to:

Ryan C. Torrens, Esq.
Mizell Campbell, Jr., Esq.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL
THIS 11 DAY OF June 20 15



PAT FRANK
CLERK OF CIRCUIT COURT
BY Pat Frank D.C.