

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

WACHOVIA MORTGAGE, FSB. f.k.a WORLD SAVINGS BANK  
Plaintiff,

vs.

THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31st STREET  
LAND TRUST, DATED 11/16/2004, PROVIDENCE HOSPITAL, AND  
UNKNOWN TENANTS/OWNERS,

Defendants.

Case No.

Division

UCN:52200

COMPLAINT

Plaintiff, WACHOVIA MORTGAGE, FSB. f.k.a WORLD SAVINGS BANK, by and through its undersigned attorneys,  
sues Defendants, THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31st STREET LAND TRUST, DATED 11/16/2004,  
PROVIDENCE HOSPITAL, and UNKNOWN TENANTS/OWNERS, and states:

GENERAL ALLEGATIONS

1. WACHOVIA MORTGAGE, FSB. f.k.a WORLD SAVINGS BANK, is the holder of the Note and Mortgage which are the subject of this suit.
2. Defendant(s), THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31st STREET LAND TRUST, DATED 11/16/2004, 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, PROVIDENCE HOSPITAL, 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 January 22, 2004, [REDACTED] AN UNMARRIED MAN, executed and delivered a Note, and a Purchase Money Mortgage securing the Note in favor of WORLD SAVINGS BANK, FSB. The Mortgage was recorded on February 10, 2004 in Official Records Book 13368, Page 1144, of the Public Records of Pinellas County, Florida. A copy of the Mortgage and Promissory Note is attached hereto. Said Note and Mortgage were subsequently assigned and/or endorsed in favor of the Plaintiff.
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 February 15, 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 FIFTY-FOUR THOUSAND SIX HUNDRED EIGHTY AND 43/100 Dollars (\$54,680.43) in principal under the Note and Mortgage, plus interest from January 15, 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), THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31st STREET LAND TRUST, DATED 11/16/2004, and/or UNKNOWN TENANTS/OWNERS, now own, possess, or have the right to possess the Property.

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

13. Defendant(s), PROVIDENCE HOSPITAL, may claim some interest in the subject property by virtue of a judgment, lien, or other instrument recorded on 04/10/2008 in Official Records Book 3007, Page 2361, of the Public Records of Pinellas County, Florida. Said interest, however, is either invalid or is subordinate and inferior to the lien of Plaintiff's Mortgage.

#### **COUNT I** **MORTGAGE FORECLOSURE**

14. Plaintiff realleges and incorporates Paragraphs 1 through 13 of this Complaint.

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

THE SOUTH 50 FEET OF THE NORTH 100 FEET OF THE SOUTH 562 FEET OF THE  
EAST 247.5 FEET OF THE NW 1/4 OF THE SE 1/4 OF SECTION 35, TOWNSHIP 30  
SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, LESS THE EAST 30 FEET  
THEREOF.

with a street address of 5912 31ST STREET NORTH, ST. PETERSBURG, FL 33714, herein referred to as "the Property."

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

17. 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;



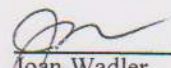
- (d) Determine the amount due Plaintiff under the Note and Mortgage sued upon herein;
- (e) Order that if said sum due Plaintiff is not paid in full within the time set by this Court, the Property be sold by Order of this Court to satisfy Plaintiff's claims;
- (f) Order that if the proceeds from such 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;
- (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 1692, Plaintiff is providing the following notice:

- a) The amount of the debt is contained in this Complaint;
- b) The Creditor to whom the debt is owed is WACHOVIA MORTGAGE, FSB. f.k.a WORLD SAVINGS BANK;
- c) Unless this debt, or any portion thereof, is disputed within thirty days after receipt of this notice, the debt will be assumed to be valid by the Plaintiff;
- d) If a consumer notifies the undersigned in writing within the thirty day period that the debt, or any portion thereof, is disputed, the undersigned will obtain verification of the debt and a copy of such verification will be mailed to such consumer;
- e) Upon a consumer's written request within the thirty-day period, the undersigned will provide the consumer with the name and address of the original creditor, if different from the current creditor;
- f) This is an attempt to collect a debt, and any information obtained will be used for that purpose.

DATED: June 30, 2009.

  
Joan Wadler  
Florida Bar No.: 894737  
Kass, Shuler, Solomon, Spector,  
Foyle & Singer, P.A.  
P.O. Box 800  
1505 N. Florida Ave.  
Tampa, FL 33601  
(813) 229-0900 ext 382  
Attorneys for Plaintiff



**STATE OF FLORIDA-PINELLAS COUNTY**

I hereby certify that the foregoing is  
a true copy as the same appears among  
the files and records of this court.

This 3 day of February, 2014

**KEN BURKE**  
Clerk of Circuit Court

By:   
Deputy Clerk

**UCC FINANCING STATEMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME &amp; PHONE OF CONTACT AT FILER (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Clearwater, Florida Near [33759]  
non-domestic without the US

FLORIDA SECURED TRANSACTION REGISTRY

**FILED**

2008 Apr 10 AM 12:00

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME

OR 1b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

1c. MAILING ADDRESS

CITY  
CLEARWATER

STATE

FL

POSTAL CODE

33759

COUNTRY

US

1d. TAX ID #: SSN OR EIN

ADDL INFO RE  
ORGANIZATION  
DEBTOR1e. TYPE OF ORGANIZATION  
LEGAL ENTITY1f. JURISDICTION OF ORGANIZATION  
UNITED STATES

1g. ORGANIZATIONAL ID #, if any

☐ NONE2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR 2b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

2c. MAILING ADDRESS

PROVIDENCE HOSPITAL

CITY  
DETROIT

STATE

MI

POSTAL CODE

COUNTRY

US

2d. TAX ID #: SSN OR EIN

ADDL INFO RE  
ORGANIZATION  
DEBTOR2e. TYPE OF ORGANIZATION  
LEGAL ENTITY2f. JURISDICTION OF ORGANIZATION  
UNITED STATES

2g. ORGANIZATIONAL ID #, if any

☐ NONE3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

OR 3b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

3c. MAILING ADDRESS

c/o

CITY  
Clearwater,STATE  
Florida

STATE

POSTAL CODE

near [33759]

COUNTRY

States of

4. This FINANCING STATEMENT covers the following collateral:

All Property belonging to the Debtor/Bailee belongs to the Secured Party.

5. ALTERNATIVE DESIGNATION (if applicable): LESSEE/LESSOR ☐ CONSIGNEE/CONSIGNOR ☐ BAILEE/BAILOR ☒ SELLER/BUYER ☐ AG. LIEN ☐ NON-UCC FILING ☐6. This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable) 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (optional) 8. Check to REQUEST ADDITIONAL FEE (optional) All Debtors ☐ Debtor 1 ☐ Debtor 2 ☐

8. OPTIONAL FILER REFERENCE DATA

Florida Documentary Stamp Tax not required

# UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

## 9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME		
[REDACTED]		
OR		
9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

## 11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME				
OR				
11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
11c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
11d. TAX ID #: SSN OR EIN	ADD'L INFO RE ORGANIZATION DEBTOR	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE

## 12. ADDITIONAL SECURED PARTY'S or ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)

12a. ORGANIZATION'S NAME				
OR				
12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
12c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☐ fixture filing.

14. Description of real estate.

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest):

16. Additional collateral description:

17. Check only if applicable and check only one box.

Debtor is a ☒ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate

18. Check only if applicable and check only one box.

☒ Debtor is a TRANSMITTING UTILITY

☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years

☐ Filed in connection with a Public-Finance Transaction — effective 30 years



IN THE CIRCUIT COURT,  
OF PINELLAS, FLORIDA

WACHOVIA  
MORTGAGE, FSB.  
F.K.A WORLD  
PLAINTIFF: SAVINGS BANK

vs.

52-2009-CA-011721

THE TRUSTEE  
COMPANY, TRUSTEE  
OF THE 5912 31ST  
STREET LAND TRUST,  
DATED 11/16/2004, ET  
DEFENDANT: AL

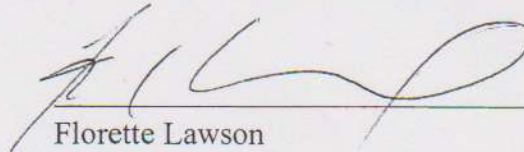
Defendants:

FILED  
CIVIL COURT RECORDS DEPT.  
09 JUL 29 PM 2:12  
KEN BURKE  
CLERK OF CIRCUIT COURT

AFFIDAVIT OF LOST ORIGINAL FOR  
PROVIDENCE HOSPITAL

BEFORE ME, THE UNDERSIGNED AUTHORITY, THIS DAY PERSONALLY APPEARED,  
Florette Lawson, WHO UPON BEING FIRST DULY SWORN, UPON HER OATH, DEPOSES AND  
SAYS:

1. THAT I AM Florette Lawson, APPOINTED TO COORDINATE THE SERVICE OF PROCESS IN THE ABOVE CAPTIONED MATTER.
2. THAT THE ORIGINAL SUMMONS WAS ISSUED BY THIS COURT AND HAS BEEN INADVERTENTLY LOST, MISPLACED, OR DESTROYED AND CANNOT BE REFILED WITH THE COURT.
3. THAT THIS AFFIDAVIT IS GIVEN SO THAT THIS MATTER MAY PROCEED TO FINAL JUDGMENT.
4. FURTHER AFFIANT SAYETH NOT.

  
Florette Lawson

SWORN TO AND SUBSCRIBED BEFORE ME THIS 28th DAY OF

July, 2009


  
NOTARY PUBLIC, STATE OF FLORIDA



STATE OF FLORIDA-PINELLAS COUNTY

I hereby certify that the foregoing is  
a true copy as the same appears among  
the files and records of this court.

This 3 day of February, 2014  
KEN BURKE  
Clerk of Circuit Court

By:   
Deputy Clerk



## AFFIDAVIT OF SERVICE

## State of Florida

County of Pinellas

### Circuit Court

Case Number: 09011721CI-020

Plaintiff:

WACHOVIA MORTGAGE, FSB, F.K.A WORLD SAVINGS BANK

VS.

Defendant:

THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31ST STREET  
LAND TRUST, DATED 11/16/2004, ET AL

For:

KASS, SHULER, SOLOMON, SPECTOR, FOYLE and SINGER (TPA)  
1505 N FLORIDA AVENUE  
TAMPA, FL 33602



Received by Provest, Inc. on the 6th day of July, 2009 at 4:32 pm to be served on **PROVIDENCE HOSPITAL, C/O SECRETARY OF STATE, 2661 EXECUTIVE CENTER CIRCLE, TALLAHASSEE, FL 32301.**

I, SHERRI KADY, being duly sworn, depose and say that on the 7th day of July, 2009 at 12:35 pm, I:

Corporate served a Government agency by delivering a true copy of this **SUMMONS COMPLAINT AND NOTICE OF LIS PENDENS** with the date and hour of service endorsed thereon by me to Yvette McGee, as C.P.C., authorized to accept service, named agency, to wit: personal and informing said person of the contents therein, in compliance with State Statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.



STATE OF FLORIDA-PINELLAS COUNTY

I hereby certify that the foregoing is a true copy as the same appears among the files and records of this court.

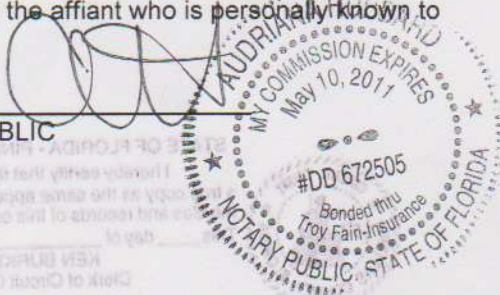
This 3 day of February, 2014

**KEN BURKE**  
Clerk of Circuit Court

By: [Signature]  
Deputy Clerk

Subscribed and Sworn to before me on the 7th day of July, 2009 by the affiant who is personally known to me.

NOTARY PUBLIC



**SHERRI KADY**  
Process Server 118

**Provest, Inc.**  
202 South Rome Avenue  
Tampa, FL 33604  
(813) 877-2844

Our Job Serial Number: 2009024517  
Ref: 317300.091056A



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

WACHOVIA MORTGAGE, FSB. f.k.a WORLD SAVINGS BANK

UCN:52200

9CA011721 XX C/C

Plaintiff,

vs.

Case No.

52-2009-CA-011721

THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31st STREET  
LAND TRUST, DATED 11/16/2004, PROVIDENCE HOSPITAL, AND  
UNKNOWN TENANTS/OWNERS,

Division

020

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE  
AND RELEASE OF LIS PENDENS**

Plaintiff, WACHOVIA MORTGAGE, FSB. f.k.a WORLD SAVINGS BANK, hereby files this Notice of Voluntary Dismissal of the above-styled cause, without prejudice, and releases the Notice of Lis Pendens filed in connection with this action. All pending hearings are hereby canceled.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail to: UNKNOWN TENANTS/OWNERS, 5912 31ST STREET NORTH, ST PETERSBURG, FL 33714; PROVIDENCE HOSPITAL, c/o Secretary of State, 2661 Executive Center Circle, Tallahassee, FL 32301 **THIS SERVICE IS BEING MADE PURSUANT TO F.S. 48.181;** THE TRUSTEE COMPANY, TRUSTEE OF THE 5912 31ST STREET LAND TRUST, DATED 11/16/2004 GUJU, MICHAEL J, 31564 US 19 N, PALM HARBOR, FL 34684; July 8, 2009.



**STATE OF FLORIDA - PINELLAS COUNTY**

I hereby certify that the foregoing is  
a true copy as the same appears among  
the files and records of this court.  
This 3 day of February, 2010

KEN BURKE

Clerk of Circuit Court

By: J. Hill

Deputy Clerk

Allison J. Brandt

☒ Allison J. Brandt/Florida Bar #44023  
☐ Clay A. Holtsinger/Florida Bar #0294330  
☐ Richard S. McIver/Florida Bar #559120  
☐ Edward B. Pritchard/Florida Bar #712876  
☐ Ashley L. Simon/Florida Bar #0064472  
☐ Joan Wadler/Florida Bar #894737  
Kass, Shuler, Solomon, Spector,  
Foyle & Singer, P.A., Attorneys for Plaintiff  
P.O. Box 800, 1505 N. Florida Ave.  
Tampa, FL 33601  
(813) 229-0900

CHECK AMT. TENDERED:

TOTAL:

UCN # = 52200920011721X00001

BUSINESS CHECK

\$10.00

KEN BURKE, CLERK OF COURT  
PINELLAS COUNTY FLORIDA  
INST# 2009187133 07/16/2009 at 10:22 AM  
OFF REC BK: 16644 PG: 515-515  
DocType:COURT

317300.091056A/jgp

KEN BURKE, CLERK OF THE COURT  
PINELLAS COUNTY, FLORIDA (727) 664-7657  
9/10/2006 07-15-2009 08:10:30 71  
52 101-0901172101 WACHOVIA MORTGAGE  
SECTION 20



ORIGINAL DOCUMENT

Recording Requested by  
SVETLANA GUZIKOVA  
WELLS FARGO HOME MORTGAGE  
X9400-L1C  
11200 W PARKLAND AVE  
MILWAUKEE, WI 53224

When Recorded Mail To:  
WELLS FARGO HOME MORTGAGE  
LIEN RELEASE DEPT.  
MAC X9400-L1C  
11200 W PARKLAND AVE  
MILWAUKEE, WI 53224

Release of Mortgage

Loan Number: 23922669

MERS ID:

VRU Number:

KNOW ALL MEN BY THESE PRESENTS that WELLS FARGO BANK, N.A. successor by merger to WACHOVIA MORTGAGE, FSB  
fka WORLD SAVINGS BANK, FSB holder of a certain Mortgage, whose parties, dates and recording information are listed below, does  
hereby acknowledge that it has received full payment and satisfaction of the same, and in consideration thereof, does hereby cancel  
and discharge said Mortgage.

Original Mortgagor: [REDACTED] AN UNMARRIED MAN

Original Mortgagee: WORLD SAVINGS BANK, FSB

Dated: 01/22/2004 Recorded: 02/10/2004 In Book/Reel/Liber: 13368 Page/Folio: 1144 as Instrument Number: 2004062475 In the  
Official Records in the County of Pinellas State of FL affecting Real Property and more particularly, described on said Mortgage  
referred to herein.

Tax ID Number:

Property Address: 5912 31ST STREET NORTH, ST. PETERSBURG, FL 33714

Legal:

IN WITNESS WHEREOF, WELLS FARGO BANK, N.A. successor by merger to WACHOVIA MORTGAGE, FSB fka WORLD SAVINGS  
BANK, FSB by the officers duly authorized, has duly executed the foregoing instrument.

Today's Date: 03/02/2012

WELLS FARGO BANK, N.A. successor by merger to WACHOVIA MORTGAGE, FSB fka WORLD SAVINGS BANK, FSB

By:

*Sylvia Kohut*

SYLVIA KOHUT, Vice President Loan Documentation

Notary Acknowledgement:

This instrument was acknowledged before me, BRAD THOMPSON, a notary public in and for Milwaukee county in the state of WI on  
03/02/2012 by SYLVIA KOHUT, as Vice President Loan Documentation of WELLS FARGO BANK, N.A. successor by merger to  
WACHOVIA MORTGAGE, FSB fka WORLD SAVINGS BANK, FSB.

Witness my hand and official seal.

*[Signature]*

BRAD THOMPSON Notary Public for Milwaukee County, WI  
My Commission Expires: 03/29/2015

BRAD THOMPSON  
NOTARY PUBLIC  
STATE OF WISCONSIN

Prepared By: SYLVIA KOHUT



STATE OF FLORIDA-PINELLAS COUNTY

I hereby certify that the foregoing is a true  
copy as recorded in the official records of  
Pinellas County.

This 3 day of FEB, 2014

KEN BURKE  
Clerk of Circuit Court & Comptroller

By: *[Signature]*  
Deputy Clerk