





**REPORTING OFFICER NARRATIVE**

*Palm Beach Gardens Police Department*

Victim [REDACTED]	Offense <i>BATTERY - SIMPLE</i>	OCA <i>05-002709</i>
		Date / Time Reported <i>Fri 04/29/2005 16:16</i>



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MINIMAL.

BOTH PARTIES WERE ISSUED PALM BEACH GARDENS POLICE DOMESTIC VIOLENCE INFORMATION PACKETS AND CASE CARDS FOR FUTURE REFERENCE.

# Incident Report Related Vehicle List

Palm Beach Gardens Police Department

OCA: 05-002709

<b>1</b>	Veh Yr/Make/Model 2004 HOND, Civic	Style 2DR	Color SIL	Lic/Lis /Decal [REDACTED]	Vin [REDACTED]
	IBR Status Damaged	Date 04/29/2005	Location	[REDACTED]	
	Condition	Value \$0.00	Offense Code	Jurisdiction Locally	State # NIC #
	Name (Last, First, Middle) * No name *		Also Known As		Home Address
	Business Address				
DOB.	Age	Race	Sex	Hght	Wgt
					Scars, Marks, Tattoos, or other distinguishing features
Notes					

**Incident Report Related Property List**

Palm Beach Gardens Police Department

OCA: 05-002709

<b>1</b>		Property Description <i>Auto Parts / Accessories</i>		Make <b>BRIDGESTONE</b>	Model <b>POTENZA</b>	Caliber	
Color	Serial No.	Value	Qty	Unit	Jurisdiction	Locality	
Status <b>Damaged</b>	Date <b>04/29/2005</b>	NIC #	State #	Local #	OAN		
Name (Last, First, Middle)		DOB	Age	Race	Sex		

Notes

**TIRE WAS CUT WITH A KNIFE ON THE OUTER WALL. NOT REPAIRABLE**

2008 CA 0 24 5 1 5 XXXX MB

AM

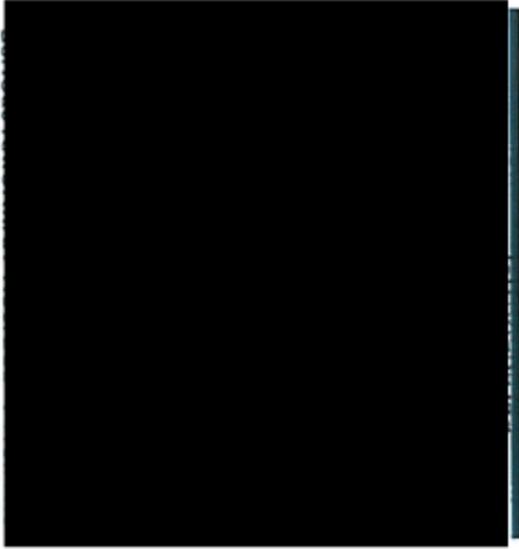
This space is for recording purposes only

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL  
CIRCUIT, IN AND FOR PALM BEACH COUNTY,  
FLORIDA

GENERAL JURISDICTION DIVISION  
CASE NO:

AMTRUST BANK  
PLAINTIFF

VS.



2008 AUG 11 PM 5: 08

NOTICE OF LIS PENDENS

1. TO: The above named Defendants, AND ALL OTHERS WHOM IT MAY CONCERN:

F:\GROUPS\FCD\CCS\COMPLAIN\08\08-44318 CMP

CFN 20080308219, OR BK 22815 PG 1273, RECORDED 08/18/2008  
Sharon R. Bock, CLERK & COMPTRROLLER, Palm Beach County,

EXHIBIT

2

2. YOU ARE NOTIFIED of the institution of this action by the Plaintiff against you seeking to foreclose the Note and Mortgage encumbering the described property and the decreasing of a sale of the property under the direction of the court in default of the payment of the amount found to be due the Plaintiff under the Note and Mortgage, and for other, further and general relief set forth in the Complaint.

3. The property involved is that certain parcel, lot or unit situate, lying and being in PALM BEACH County, Florida, as set forth in the mortgage recorded in Official Records Book 19119, at Page 926, more particularly described as follows:

UNIT NO. 208, BUILDING NO 18, SAN MATERA , THE GARDENS, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 18900, PAGE 587, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Dated at Plantation, Broward County, Florida, this 8 day of Aug, 2008.

  
DEANNE L. TORRES  
Law Offices of David J. Stern, P.A.  
Attorney for Plaintiff  
900 South Pine Island Road SUITE 400  
Plantation, FL 33324-3920  
(954) 233-8000  
Bar #: 0012190

08-84358(AMTST)

AMTRUST BANK

PLAINTIFF

VS.

(2)

[REDACTED]

(3)

(1)

DEFENDANT(S)

RF

COMPLAINT TO FORECLOSE MORTGAGE  
AND TO ENFORCE LOST LOAN DOCUMENTS

Plaintiff, sues the Defendant(s) and alleges:

2008 AUG 11 PH 5: 08

COUNT I

1. THIS IS AN ACTION to foreclose a Mortgage on real property in PALM BEACH County, Florida.
2. This Court has jurisdiction over the subject matter herein.
3. On AUGUST 15, 2005 [REDACTED] executed and delivered a Promissory Note and a PURCHASE MONEY Mortgage securing payment of the Note to the Payee named thereon.
4. The Mortgage was recorded on AUGUST 22, 2005 in Official Records Book 19119 at page 926, of the Public Records of PALM BEACH County, Florida, and mortgaged the property described in it, then owned by and possessed by the Mortgagors, a copy of the Mortgage IS attached hereto as "Exhibit "A". Said mortgage was subsequently assigned to AMTRUST BANK by virtue of an assignment to be recorded.
5. The Plaintiff owns and holds the Note and Mortgage.
6. [REDACTED]
7. There is a default under the terms of the note and mortgage for the APRIL 1, 2008 payment and all payments due thereafter.
8. All conditions precedent to the acceleration of this Mortgage Note and to foreclosure of the Mortgage have been fulfilled or have occurred.
9. The Plaintiff declares the full amount payable under the Note and Mortgage to be due.
10. The borrowers owe Plaintiff \$140,110.51 that is due in principal on the Mortgage Note and Mortgage, together with interest from MARCH 1, 2008, late charges, and all costs of collection including title search expenses for ascertaining necessary parties to this action and reasonable attorney's fees.
11. Plaintiff is obligated to pay its attorney a reasonable fee for his services rendered.

2008 CA 024515 XXXX NB

AM

12. Defendants, John Doe and Jane Doe, may claim an interest in the property described in the Mortgage as tenants pursuant to a lease agreement, either written or oral. Said interest is subject, subordinate, and inferior to the lien of the Mortgage held by Plaintiff.
13. In addition to all other named defendants, the unknown spouses, heirs, devisees, grantees, assignees, creditors, trustees, successors in interest or other parties claiming an interest in the subject property by, through under or against any of said defendants, whether natural or corporate, who are not known to be alive or dead, dissolved or existing, are joined as defendants herein. The claims of any of said parties are subject, subordinate, and inferior to the interest of Plaintiff.
14. The Defendant, SAN MATERA THE GARDENS CONDOMINIUM ASSOCIATION, INC., is joined because it may claim some interest in or lien upon the subject property by virtue of possible association liens and assessments. Said interest is subject, subordinate, and inferior to the lien of the Mortgage held by the Plaintiff.
15. The Defendant, THE MACARTHUR CENTER PROPERTY OWNERS ASSOCIATION, INC., is joined because it may claim some interest in or lien upon the subject property by virtue of possible association liens and assessments. Said interest is subject, subordinate, and inferior to the lien of the Mortgage held by the Plaintiff.
16. The Defendant, [REDACTED] is joined because HE may claim some interest in or lien upon the subject property by virtue of a possible homestead interest. Said interest is subject, subordinate and inferior to the interest of the Plaintiff's mortgage.
17. The Defendant(s), AMTRUST BANK F/K/A OHIO SAVINGS BANK, IS joined because THEY may claim some interest in or lien upon the subject property by virtue of a MORTGAGE recorded in Official Records Book 19119 at Page 946 in PALM BEACH COUNTY which is inferior to Plaintiff's Mortgage described herein.

WHEREFORE, Plaintiff prays: That an accounting may be had and taken under the direction of this Court of what is due the Plaintiff for principal and interest on said Mortgage and Mortgage Note, and for the costs, charges and expenses, including attorney's fees and title search costs, and advancements which Plaintiff may be put to or incur in and about this suit, and that the Defendants found responsible for same be ordered to pay the Plaintiff herein the amounts so found to be due it; that in default of such payments, all right, title, interest, claim, demand, or equity of redemption of the Defendants and all other persons claiming by, through, under or against said Defendants since the filing of the Lis Pendens herein be absolutely barred and foreclosed and that said mortgage property be sold under the direction of this Court; that out of the proceeds of said sale, the amounts due the Plaintiff may be paid so far as same will suffice; and that a deficiency judgment be entered if applicable and only in the event no Order of Discharge of Personal Liability in Bankruptcy has been entered as to any of the Defendants who signed the subject Note and Mortgage and a Writ of Possession be issued.

#### COUNT II

18. This is an action to enforce a lost, destroyed or stolen promissory note and Mortgage under Fla.Stat.§673.3091.
19. On AUGUST 15, 2005, [REDACTED] executed and delivered a Promissory Note and a Mortgage securing payment of the Note to the payee named thereon.

20. The Mortgage was recorded on AUGUST 22, 2005 in Official Records Book 19119 at page 926, of the Public Records of PALM BEACH County, Florida, a substantial copy of the Mortgage being attached hereto as composite Exhibit "A" to the Plaintiff's original Complaint herein.
21. The Plaintiff is not presently in possession of original Note and Mortgage. However,
- a) the Plaintiff was in possession of the Note and Mortgage and was entitled to enforce THEM when the loss of possession occurred;
  - b) the loss of possession was not the result of a transfer by Plaintiff or lawful seizure; and
  - c) the Plaintiff cannot reasonably obtain possession of the Note and Mortgage because THEIR whereabouts cannot be determined.
22. The terms of the Note are shown on the attached ledger of loan marked as Exhibit " B " .
23. The Plaintiff will agree to entry of a Final Judgment of Foreclosure wherein it will be required to indemnify and hold harmless Defendant(s), SHA WNA L BRINSON , from any loss they may incur by reason of a claim by another person to enforce the lost Note and Mortgage.

WHEREFORE, Plaintiff requests entry of judgment confirming its right to enforce the lost Note and Mortgage under Fla. Stat. §673.3091.

**TO ALL DEFENDANTS: PLEASE NOTE EFFECTIVE OCTOBER 13, 2006, 15 U.S.C. §1692G OF THE FAIR DEBT COLLECTION PRACTICES ACT HAS BEEN AMENDED AS FOLLOWS:**

**(a) LEGAL PLEADINGS -- Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692g) is amended by adding at the end the following new subsection:**

**"(d) Legal Pleadings -- 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)."**

  
DEANNE J. TORRES

Law Offices of David J. Stern, P.A.

Attorney for Plaintiff

900 South Pine Island Road SUITE 400

Plantation, FL 33324-3920

(954) 233-8000

Bar #: 0012190

08-84358(AMTST)



**STATE OF FLORIDA**  
**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**  
**DIVISION OF DRIVER LICENSES TRANSCRIPT OF DRIVER RECORD**

FIRST [REDACTED]	MIDDLE OR MAIDEN [REDACTED]	LAST [REDACTED]	SUFFIX [REDACTED]	DOB [REDACTED]	HEIGHT [REDACTED]	RACE [REDACTED]	SEX [REDACTED]	SOCIAL SECURITY [REDACTED]	DRIVER EDUCATION	SEARCH DATE 07/21/09	REQUESTOR 0617 B	
CLASS				DATE ISSUED	DATE EXPIRED	RESTRICTIONS	ENDORSEMENTS	FLORIDA DRIVER LICENSED/ID NUMBER		PRIOR AND DRIVER LICENSE NUMBER		
E				10/12/05	11/07/11	A		[REDACTED]				
EXAMS				VISION	SIGNS	RULES	DRIVING	MOTORCYCLE	DATE ORIG DL ISSUED	CDL ISSUE DATE	PREVIOUS BATCH	CURRENT BATCH
				1	1	3	2	0 0	12/16/94		08222001X	101205X62
DUPLICATE LICENSE 061600P05						REPLACEMENT LICENSE 011895P05						

CRASH OFFENSE EFFECTIVE DATE	CONVICTION DATE	REIN-STATE-MENT DATE	INFOR-MATION FROM COUNTY/ STATE	CITY	COURT	ENTRY	DESCRIPTION	C R I C A D C P A A I T T S S I H P O N	DOCKET OR TICKET NUMBER	DEPT USE ONLY BATCH
** ENTRIES BELOW COVER THIS PERSONS ENTIRE RECORD **										
** BLOCK PERSONAL INFORMATION **										
** BLOCK FOR MAILING LIST **										
** THIS PERSON HAS A DIGITAL IMAGE **										
03/12/99						CORRESPONDCE	CDR/CDT TRANSACTION-NO LICENSE-ISSUED			P05
11/12/04						CORRESPONDCE	MAIL/PHONE IN ADDRESS CHANGE			X62
09/29/05						CORRESPONDCE	MAIL/PHONE IN ADDRESS CHANGE			X62
09/03/08						CORRESPONDCE	MAIL/PHONE IN ADDRESS CHANGE			X63
01/12/94							IDENTIFICATION CARD ISSUED EXPIRES: 11/07/97			P05
10/01/98	03/09/99		OSCEOLA		COUNTY	CONV-3.0 PTS	UNLAWFUL SPEED 079/70	1	120878D	9138LK
03/14/99	03/19/99		PALMBCH		COUNTY	CONV-0.0 PTS	EXPIRED TAG - 6 MOS OR LESS	1	376704T	9148QB
02/08/06	02/21/06		PALMBCH		COUNTY	CONV-0.0 PTS	EXPIRED TAG - 6 MOS OR LESS	1	3146RAZ	06053994
02/08/06	02/21/06		PALMBCH		COUNTY	CONV-4.0 PTS	UNLAWFUL SPEED 065/45	1	3145RAZ	06053994
END OF RECORD										



In compliance with section 322.281, F.S., I Sharon R. Bock, Clerk & Comptroller, County of Palm Beach, State of Florida, Do hereby certify that this is true and correct machine imprint transcript of the above named subject's driving record as taken from the official records on file with the department of highway safety and Motor Vehicles.



*Sharon R. Bock*

NOTE: Some licenses issued by the State Of Florida are valid in Florida only. This results from applicant retaining a valid license from another Jurisdiction. \*\*\* This Violation cannot be used to surcharge an Automobile liability insurance policy F.S. 626.9701

- LICENSE CLASSES**
- CLASS A** Any tractor-trailer with a GVWR of 26,001 pounds or more
  - CLASS B** Any single vehicle with a GVWR of 26,001 pounds or more
  - CLASS C** Any endorsed vehicle with a GVWR of less than 26,001 pounds
  - CLASS D** Any single vehicle of 8,000 pounds or more, but less than 26,001 pounds GVWR or more than 80 inches wide.
  - CLASS E** Regular operators license
  - CLASS E(L)** Learner's license

- RESTRICTIONS**
- A Corrective lenses
  - B Outside rearview mirror
  - C Business purposes
  - D Employment purposes
  - E Daylight Driving Only
  - F Automatic Transmission
  - G Power Steering
  - I Directional Signals
  - J Grip on Steering Wheel
  - K Hearing Aid
  - L Seat Cushion
  - M Hand Controls or Pedal Extension
  - N Left Foot Accelerator
  - P Probation-Interlock device
  - R Restricted
  - S Other Restrictions
  - T No passengers on Motorcycle
  - X Medical Alert Bracelet
  - Y Education Purposes
  - 1 Vehicle W/O Air Brakes
  - 2 CDL Intrastate only
  - 3 CDL Bus only
  - 4 CMV < 26,001 LBS GVWR
  - 5 No Tractor/Trailers
  - 6 No class A Passenger Vehicle
  - 7 No class B Passenger Vehicle

- REPRESENTATIVE CODE**
- C. REPRESENTED BY COUNSEL
  - W. COUNSEL WAIVED
- CITATION/CRASH CODE**
- C. INDICATES CITATION ISSUED
  - A. INDICATES CRASH
- DISPOSITION CODES**
- 1. GUILTY
  - 2. ESTREATURE
  - 3. FORFEITURE
  - 4. ADJUDGED DELINQUENT
  - 5. ADJUDICATION WITHHELD
- ACTION CODES**
- D. DEPARTMENT ACTION
  - C. COURT ACTION