

IN THE CIRCUIT COURT FOR THE 18TH  
JUDICIAL CIRCUIT IN AND FOR  
BREVARD COUNTY, FLORIDA

CASE NO.: 05-2009-CA- [REDACTED]

DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS TRUSTEE FOR SAXON  
ASSET SECURITIES TRUST 2002-2,

Plaintiff,

v.

[REDACTED], ET AL.,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO QUASH SERVICE AS UNTIMELY,  
VACATE DEFAULT, VACATE SUMMARY JUDGMENT AND CANCEL/VOID SALE FOR  
FAILURE TO SERVE COMPLAINT WITHIN 120 DAYS**

THIS CAUSE came to be heard on October 19, 2010 upon the Defendant [REDACTED]'s Motion to Quash Service, Vacate Default, Vacate Summary Judgment, Cancel/Void Sale and Dismiss for failure to serve within 120 days. The Court having reviewed the Defendant's written motion, the Court file and applicable case law, and having heard oral argument, does hereby ORDER AND ADJUDGE:

1. The Plaintiff failed to serve [REDACTED] within 120 days.
2. The Defendant's Motions to quash service is granted.
3. The Defendant's Motion to Vacate Default is granted and
4. The Defendant's Motion to Vacate Summary Judgment is granted.
5. The Defendant's Motion to cancel and void sale is granted.
6. The Defendant's Motion to dismiss is denied.

7. The Court shall extend the period of time for the Plaintiff to serve [REDACTED] for an additional forty-five (45) days. Counsel for the Defendant during the hearing stipulated that Plaintiff may complete service upon [REDACTED] by certified mail to mitigate litigation costs and expedite service. If the certified letter goes unclaimed by the Defendant, Plaintiff may serve Defendant's counsel by E-mail. Plaintiff is ordered to complete service by certified mail to Defendant's counsel within forty (45) days of the date of this order.

**DONE AND ORDERED** at the Brevard Courthouse, located in the City of Viera, Florida,  
on this \_\_\_ day of \_\_\_\_\_, 2010. ORIGINAL SIGNED ON

NOV 10 2010

Charles M. Holcomb, Circuit Judge  
JUDGE CHARLES M. HOLCOMB  
CIRCUIT JUDGE

Copies to: Chandra Desrat Esq., Attorney for Plaintiff (by phone)  
Richard Shuster, Esq., Attorney for Defendant (in person)