

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY, FL

CASE NO.: 05-2010-CA-47

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

J.A. _____, ET AL.,

Defendant.

ORDER ON DEFENDANT'S MOTION TO DISMISS

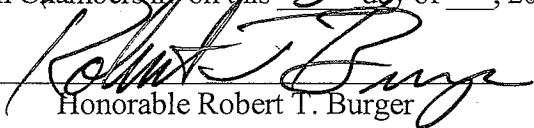
THIS CAUSE having come before this Court on January 5, 2012, upon the Defendant's Motion to dismiss. The Court having reviewed the pleadings, the subject motion and heard argument of counsel does hereby ORDER and ADJUDGE.

1. The Defendant moved to dismiss the subject action on the basis that the complaint was verified in a separate piece of paper and not within the complaint itself.
2. The Defendant's motion to dismiss is granted.
3. The subject action is

Dismissed without prejudice. If the Plaintiff elects to file a new action to foreclose on the subject property it must be filed under a new case number and a new filing fee will be required.

Dismissed with leave to amend. The Plaintiff shall have _____ days to amend the complaint to include proper verification that complies with Rule 1.110(b). If an amended complaint is not filed within such time the matter shall be dismissed without prejudice.

DONE and ORDERED in Chambers in on this ^{5th} day of ^{JANUARY} 2011.


Honorable Robert T. Burger

Copies Furnished to: Richard Shuster, Esquire & JASON ZANDECKI, Esquire,