

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

CASE NO.: 05-2010-CA-045

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

\_\_\_\_\_, ET AL.,

Defendant.

**ORDER STRIKING AMENDED COMPLAINT AND DISMISSING ACTION WITHOUT  
PREJUDICE**

THIS CAUSE having come before this Court on January 23, 2012 on the Defendant's Motion to Strike Amended Complaint Filed After Expiration of Leave to Amend and For Final Dismissal.

1. On August 26, 2011, this Court entered a written order, reducing to writing its ruling on the hearing conducted on August 22, 2011, on the Defendant's Motion to Dismiss. The subject motion sought dismissal on the basis that the Plaintiff's verification of the foreclosure complaint did not comply with Rule 1.110(b).
2. The Court's written order granted Defendant's Motion to Dismiss, but provided the Plaintiff with leave to amend within twenty (20) days.
3. The Plaintiff failed to amend the Complaint within twenty days and did not seek an extension of time prior to the expiration of the twenty days leave.
4. The Defendant's Motion to Strike Plaintiff's Amended Complaint is Granted.

5. The subject action is hereby dismissed without prejudice.

**DONE and ORDERED** in Chambers in Titusville, Florida on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Original Signed On

FEB 7 2012

Honorable John D. Moxley, Jr.  
Circuit Judge

By John D. Moxley, Jr.  
Circuit Judge

Copies Furnished to: Richard Shuster, Attorney for Defendant  
Shelly Burris, Esquire, Attorney for Plaintiff