

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.:

SAXON MORTGAGE SERVICES, INC,

Plaintiff,

vs.

WINSTON W. WILLIAMSON A/K/A
WINSTON WILLIAMSON; NAOMI
HOPE WILLIAMSON A/K/A NAOMI
WILLIAMSON; JOHN DOE; JANE DOE
AS UNKNOWN TENANT (S) IN
POSSESSION OF THE SUBJECT
PROPERTY,

Defendants.

COMPLAINT

The Plaintiff, **SAXON MORTGAGE SERVICES, INC**, sues the Defendants named in the caption hereof and alleges:

COUNT I

1. This is an action to reestablish a promissory note under Section 673.3091 Florida Statutes.
2. On **January 24, 2007** at **BROWARD** County, Florida, **WINSTON W. WILLIAMSON A/K/A WINSTON WILLIAMSON** executed and delivered to **FIRST NLC FINANCIAL SERVICES, LLC DBA THE LENDING CENTER**, a promissory note in the principal amount of **\$ 224,000.00**. Attached hereto is a substantial copy of the note.
3. Plaintiff is the owner of said note.
4. The original promissory note was lost or destroyed subsequent to Plaintiff's acquisition thereof, the exact time and manuer of said loss or destruction being unknown to Plaintiff.
5. Plaintiff was in possession of the promissory note aud was entitled to enforce it when loss of possession occurred.
6. The loss of possession was not the result of a transfer by Plaintiff or a lawful seizure.
7. Plaintiff cannot reasonably obtain possession of the promissory note because its whereabouts cannot be determined. Said note is not in the cnstody or control of Plaintiff.
8. The Defendants named in this Complaint are the only persons known to Plaintiff who are interested for or against reestablishment of the subject note.

9. Plaintiff agrees to the entry of a Final Judgment of Mortgage Foreclosure requiring it indemnify and hold harmless the Defendants obligor(s) of the promissory note by reason of a claim by another person/entity attempting to enforce the lost note herein.

WHEREFORE, Plaintiff demands this court re-establish the Lost Promissory Note.

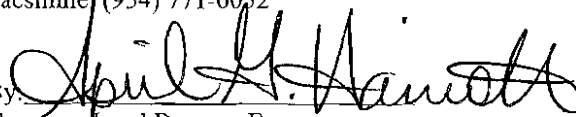
COUNT II

10. This is an action to foreclose a mortgage on real property in **BROWARD** County, Florida.
11. On **January 24, 2007**, **WINSTON W. WILLIAMSON A/K/A WINSTON WILLIAMSON** executed and delivered a promissory note and **WINSTON W. WILLIAMSON A/K/A WINSTON WILLIAMSON AND NAOMI HOPE WILLIAMSON A/K/A NAOMI WILLIAMSON** executed and delivered a Mortgage securing payment of the same to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INCORPORATED AS NOMINEE FOR FIRST NLC FINANCIAL SERVICES, LLC DBA THE LENDING CENTER**, which mortgage was recorded in the Official Records Book **43550**, Page **4**, of the Public Records of **BROWARD** County, Florida and which mortgaged the property described therein, then owned by and in possession of said mortgagor. A copy of the note and mortgage are attached hereto and made a part hereof.
12. Plaintiff is the owner of said note.
13. Defendant(s), **WINSTON W. WILLIAMSON A/K/A WINSTON WILLIAMSON AND NAOMI HOPE WILLIAMSON A/K/A NAOMI WILLIAMSON**, own(s) the property.
14. There has been a default under the note and mortgage held by Plaintiff in that the payment due **September 01, 2007** and all subsequent payments have not been made. Plaintiff declares the full amount due under the note and mortgage to be now due.
15. All conditions precedent to the filing of this action has been performed or has occurred.
16. There is now due, owing and unpaid to the Plaintiff as of the date of the filing of this complaint the following amounts as principal of said note and mortgage: unpaid principal balance of **\$ 223,067.95**, plus interest, escrow, title search expenses for ascertaining necessary parties to this suit, title search, title exam, filing fee, and attorneys fees and costs.
17. Plaintiff has obligated itself to pay the undersigned attorneys a reasonable fee for their services herein, Pursuant to the loan documents Plaintiff is entitled to an award of attorneys fees.
18. Defendants, **JOHN DOE** and **JANE DOE**, as **Unknown Tenant(s)** in possession of the subject property, may claim some interest in or lien upon the subject property arising from being in actual possession of same, but interest, if any, is subject and inferior to the lien of Plaintiff's mortgage.

WHEREFORE, Plaintiff prays as follows:

- (a.) That this Court will take jurisdiction of this cause, the subject matter and the parties hereto.
- (b.) That this Court ascertain and determine the sums of money due and payable to the Plaintiff from the Defendant(s), including without limitation principal, interest, advances, attorney fees, and costs pursuant to the loan documents.
- (c.) That the sum of money found to be due as aforesaid be decreed by this Court to be a lien upon the lands described in Plaintiff's mortgage.
- (d.) That such lien be foreclosed in accordance with the rules and established practice of this Court, and upon failure of the Defendants to pay the amount of money found to be due by them to the Plaintiff, the said land be sold to satisfy said lien.
- (e.) That this Court decree that the lien of the Plaintiff is superior to any and all right, title or interest of the Defendants herein or any person or parties claiming by, through or under them since the institution of this suit.
- (f.) That all right, title or interest of the Defendants or any person claiming by, through or under them be forever barred and foreclosed.
- (g.) That this Court grants general relief in this cause as in its discretion might be just and proper including, but not limited to, a deficiency judgment, except where a discharge is applicable, if the proceeds of the sale are insufficient to pay Plaintiff's claim.

Law Offices of Marshall C. Watson, P.A.
1800 N.W. 49TH Street, Suite 120
Fort Lauderdale, FL 33309
Telephone: (954) 453-0365
(800) 441-2438
Facsimile: (954) 771-6052

By: 
For Courtney Jared Bannan, Esq.
Bar Number: 703931

April Glover Harriott
Bar #37547

you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your certified funds, in which event we will inform you before depositing the check for collection. For further information, please call 1-800-441-2438.

6. Written requests pursuant to this notice should be addressed to FAIR DEBT COLLECTION CLERK, Marshall C. Watson, P.A.
7. This communication is for the purpose of collecting a debt, and any information obtained from the debtor will be used for that purpose.
8. The Law does not require me (the debt collector) to wait until the end of the thirty-day period before suing you (the consumer) to collect this debt. Once a lawsuit is commenced, all judicial remedies will be zealously pursued and attorney fees and costs, which you may be responsible for, in whole or in part, will be incurred. If, however, you request proof of the debt or the name and address of the original creditor within the thirty-day period which begins with your receipt of this letter, the law requires me to suspend my efforts (through litigation or otherwise) to collect the debt until I mail the requested information to you. Once the requested information is mailed to you litigation efforts will resume.
9. Even though you are required to file a response to the lawsuit prior to the thirty (30) days, your validation rights, as set forth in this notice, shall not expire for thirty (30) days.

SAXON MORTGAGE SERVICES, INC,
Plaintiff,
vs.
WINSTON W. WILLIAMSON A/K/A WINSTON
WILLIAMSON, et al,
Defendants.

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.:

*Tracy
Plyost
Patricia
Fowler
1/17/08 #*

**SUMMONS
PERSONAL SERVICE ON AN INDIVIDUAL
IMPORTANT**

TO DEFENDANT: JANE DOE
6509 SW 22ND STREET, MIRAMAR, FL 33023

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phonebook).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

MARSHALL C. WATSON, P.A., ATTORNEY FOR PLAINTIFF
1800 NW 49TH STREET, SUITE 120, Fort Lauderdale, FL 33309
Telephone: (954) 453-0365
Facsimile: (954) 771-6052

*Margie
Gonzalez*

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Within two working days of your receipt of this notice, contact Betty Letts at (954) 831-6364; 201 SE 6TH Street, Room 220, Ft. Lauderdale, FL 33301. The Phone line will accommodate Voice or TDD Transmissions for the hearing impaired or Voice Impaired.

EACH SHERIFF OF THE STATE:

YOU ARE HEREBY COMMANDED to serve the Summons and a copy of the Complaint in this lawsuit on the above-named Defendant(s).

Dated this _____ day of _____, 2008.

HOWARD C. FORMAN
Clerk Of The Circuit Court

(SEAL)

By: _____
Deputy Clerk

(See reverse side)(Vease al revers)(Voir de l'autre cote de)

IMPORTANTE

Usted ha sido demandado legalmente, y tiene veinte (20) días, contados a partir del recibo de esta notificación para contestar la demanda adjunta por escrito y presentada ante este tribunal. Una llamada telefónica no lo protegerá si usted desea que el tribunal considere su defensa, debe presentar por escrito, incluyendo el número del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo pudiese perder el caso y podría ser despojado de sus ingresos y propiedades o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona demandada abajo como "Plaintiff/Plaintiff's Attorney". (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez (20) jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger vous êtes obligé de déposer votre réponse écrite, avec mention de numéro de dossier ci-dessous et du nom des parties nommées ici si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur de Tribunal. (y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pouvez téléphoner à un service de référence d'avocat, vous pouvez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat nommé ci-dessous).

EXPLANATION

The summons for personal service on individuals is to be used for service on individuals under the following provisions: Florida Statutes 48.031 (service of process generally), 48.041 (service on minors), 48.042 (service on incompetents), 48.051 (service on state prisoners), 48.103 (service of process in action for possession of residential premises), and 48.194 (personal service outside the state).

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HOPE WILLIAMSON A/K/A NAOMI
WILLIAMSON; JOHN DOE; JANE DOE
AS UNKNOWN TENANT (S) IN
POSSESSION OF THE SUBJECT
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Defendants.

NOTICE OF LIS PENDENS

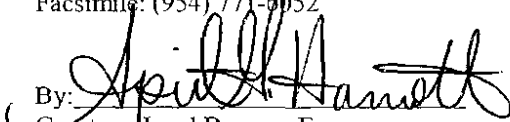
TO THE ABOVE STYLED DEFENDANTS AND ALL OTHERS WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED of the institution of this action by Plaintiff against you seeking to foreclose a mortgage on the following property in Broward County, Florida:

**LOT 20, BLOCK 16, OF WELWYN PARK, ACCORDING TO THE PLAT
THEREOF AS RECORDED IN PLAT BOOK 35, PAGE 16, OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA.**

including the buildings, appurtenances, and fixtures located thereon.

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By: 
Courtney Jared Bannan, Esq.

For Bar Number: 703931

**April Glover Harriott
Bar #37547**