

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiffs,

CASE NO.

DIVISION:

vs.

BANK OF AMERICA CORPORATION,  
Defendant.

08 007185  
DIVISION C

**SUMMONS / PERSONAL SERVICE ON A CORPORATION**  
**IMPORTANT**

TO DEFENDANT: Bank of America Corporation  
c/o CT Corporation System  
1200 South Pine Island Road  
Plantation, FL 33324



TIME: \_\_\_\_\_  
DATE: \_\_\_\_\_

SERVED BY: \_\_\_\_\_  
SVR ID: \_\_\_\_\_

A lawsuit has been filed against you. You have twenty (20) calendar days after this summons is served on you to file a written response to the attached complaint with the Clerk of the Circuit 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 phone book). 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's Attorney" named below.

MARSHALL G. REISSMAN, ESQ.  
Attorneys for Plaintiff  
5150 Central Avenue  
St. Petersburg, FL 33707  
Telephone: 727-322-1999  
Facsimile: 727-327-7999

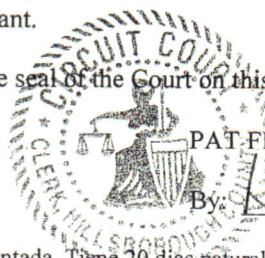
In accordance with the American with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Court ADA Coordinator no later than 5 days prior to the proceedings at (813)276-8100, 800 East Twiggs Street, Tampa, FL 33602. Persons with disabilities requesting reasonable accommodations to participate in this proceeding should contact (727)464-3341 (voice & TDD) or via Florida Relay Service at (800)955

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.

WITNESS my hand and the seal of the Court on this 2 day of April, 2008.

(COURT SEAL)



PAT FRANK, CLERK OF CIRCUIT COURT

By: \_\_\_\_\_

Deputy Clerk

Una demanda contra usted ha sido presentada. Tiene 20 dias naturales a partir del recibo de esta notificacion para contestar por escrito la demanda adjunta y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su repuesta por escrito, incluyendo el numero del caso y

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,


Case No. 08-7185  
Division: C

Vs.

BANK OF AMERICA CORPORATION,  
As Successor in Interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

FILED

*Ans*  
AUG 11 2008

CLERK OF CIRCUIT COURT  
CIRCUIT CIVIL DEPT. 

MOTION FOR DEFAULT JUDGMENT

COMES NOW the Plaintiffs, by and through undersigned counsel, and hereby move this Honorable Court to answer the Final Default Judgment herein and states:

1. Defendant, BANK OF AMERICA CORPORATION, was served with the Plaintiffs' Complaint to Quiet Title on April 3, 2008.
2. The Defendant has not filed an Answer and a Motion for Default has been entered by the Clerk of this Court.
3. The Plaintiffs' Affidavit in Support of Motion for Default Judgment is attached hereto as "Exhibit A."

WHEREFORE, Plaintiffs request this Honorable Court to enter its Final Default Judgment Quieting Title herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Bank of America Corporation, Defendant, c/o CT Corporation System, Registered Agent, 1200 South Pine Island Road, Plantation, FL 33324 on this 11<sup>th</sup> day of August, 2008.

LAW OFFICES OF  
MARSHALL G. REISSMAN



Marshall G. Reissman, Esquire  
Attorney for Plaintiffs  
5150 Central Avenue  
St. Petersburg, FL 33707  
Telephone: (727) 322-1999  
Facsimile: (727) 327-7999  
FBN: 0310085

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,

Case No. 08-7185  
Division: C

vs.

BANK OF AMERICA CORPORATION,  
As Successor in Interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

FILED  
CLERK OF CIRCUIT COURT  
2008 SEP -5 PM 3:29  
HILLSBOROUGH COUNTY, FL  
CIRCUIT CIVIL

NOTICE OF HEARING

TO:

Bank of America  
Attn: Kenneth D. Lewis, Pres.  
401 N. Troy Street, NC1-021-02-20  
Charlotte, NC 28255

Bank of America  
c/o CT Corporation System  
1200 South Pine Island Road  
Plantation, FL 33324

YOU ARE HEREBY NOTIFIED that the undersigned attorney has set down before the  
HONORABLE JAMES M. BARTON, Circuit Court Judge, on Monday, September 16, 2008 at  
9:00 a.m., or as soon thereafter as Counsel may be heard, Motion For Default Judgment.

Time Reserved: FIFTEEN (15) Minutes

Date cleared with JA 8/27/08

PLEASE GOVERN YOURSELF ACCORDINGLY.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the above  
addressees by U.S. mail on this 3<sup>rd</sup> day of September, 2008.



MARSHALL G. REISSMAN, ESQ.  
5150 Central Avenue  
St. Petersburg, FL 33707  
Telephone: (727) 322-1999  
Facsimile: (727) 327-7999  
Attorney for Plaintiff  
FBN 0310085  
kjm

cc: Judicial Assistant  
Robert and Sara Wilhite



IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,

Case No. 08-7185  
Division: C

FILED

Vs.

AUG 11 2008

BANK OF AMERICA CORPORATION,  
\_\_\_\_\_ /

CLERK OF CIRCUIT COURT  
CIRCUIT CIVIL DEPT.

**NOTICE OF FILING**

COMES NOW, the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE, by and through undersigned counsel, and hereby gives notice of filing the Return of Service in the above-referenced case herein filed on the Defendant on April 3, 2008.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Bank of America Corporation, Defendant, c/o CT Corporation System, Registered Agent, 1200 South Pine Island Road, Plantation, FL 33324 on this 11<sup>th</sup> day of August, 2008.

LAW OFFICES OF  
MARSHALL G. REISSMAN



Marshall G. Reissman, Esquire  
Attorney for Plaintiffs  
5150 Central Avenue  
St. Petersburg, FL 33707  
Telephone: (727) 322-1999  
Facsimile: (727) 327-7999  
FBN: 0310085

**VERIFIED RETURN OF PROCESS  
IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT, IN AND FOR  
HILLSBOROUGH COUNTY FLORIDA**

**CASE NO: 08 7185 DIV C**

**ROBERT T WILHITE AND SARAH B WILHITE**

**vs.**

**BANK OF AMERICA CORPORATION**

**TO BE SERVED:**

BANK OF AMERICA CORPORATION C/O CT CORPORATION SYSTEM AS  
REGISTERED AGENT  
1200 S. PINE ISLAND ROAD  
PLANTATION, FL 33324

**FILED**

*lma*  
**AUG 11 2008**

**SERVED FOR:**

MARSHALL G REISSMAN ESQ  
5150 CENTRAL AVENUE  
ST PETERSBURG FL 33707

**CLERK OF CIRCUIT COURT  
CIRCUIT CIVIL DEPT.**

I received this SUMMONS, COMPLAINT TO QUIET TITLE AND EXHIBITS on 4/3/2008 at 8:00 AM and it was served 4/3/2008 at 11:55 AM in BROWARD COUNTY, FLORIDA.

On: BANK OF AMERICA CORPORATION C/O CT CORPORATION SYSTEM AS  
REGISTERED AGENT  
At: 1200 S. PINE ISLAND ROAD  
PLANTATION, FL 33324

**CORPORATE SERVICE**

By serving a copy of the above document(s) to BANK OF AMERICA CORPORATION C/O CT CORPORATION SYSTEM AS REGISTERED AGENT or any employee of subject corporation in the absence of any superior officer as defined in Florida Statute, Section 48.081 when subject's corporation does not keep a registered agent present as required by F.S., Section 48.091.

**COMMENTS:**

DELIVERED TO DONNA MOCH, SENIOR PROCESS SPECIALIST

Under penalties of perjury, I declare that I have read the foregoing Verified Return of Service and that the facts stated in it are true. I acknowledge that I am a certified process server in good standing in the judicial circuit in which the subject was served. I acknowledge that I have no interest in the above action. I further declare that I am not a party to the above action, am over 18 years of age, and that service was made in accordance with Rule 1.410(C), Florida R.C.P., and Rule 45 Federal R.C.P., and Rule 4(C), 50 U.S.C., and Section 520 Et. Seq.

PROCESS SERVER: JOY KELLUM CPS#380  
ROBERT L. JONES, INC.  
PO BOX 6415  
CLEARWATER, FL 33758-6415  
727-442-9269

IN THE CIRCUIT COURT FOR THE THIRTEEN JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

ROBERT T. WILHITE and SARAH  
B. WILHITE,  
Plaintiffs,

Case No.

Division:

vs.

BANK OF AMERICA CORPORATION,  
as successor in interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

08:00:00  
FILED  
CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY, FL  
APR -2 PM 2:04  
DIVISION CIVIL

COMPLAINT TO QUIET TITLE

COMES NOW, the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE  
(hereinafter "the Wilhites"), and hereby sue the Defendant, BANK OF AMERICA  
CORPORATION and allege:

1. This is an action to quiet title to real property owned by the Wilhites in fee  
simple and located at 144 Chippewa Avenue, Tampa, Hillsborough County, Florida, and more  
fully described as follows:

The Southerly ½ of Lot 27, all of Lot 28 and the Northerly ½ of  
Lot 29 in Block 15 of DAVIS ISLAND SOUTH PARK  
SECTION, as per map or plat thereof as recorded in Plat Book  
10, Page 54 of the Public Records of Hillsborough County,  
Florida.

2. Plaintiffs' title to the above-described property is derived from the Warranty  
Deed from Rodney K. Chambers and Sharon S. Chambers, husband and wife to the Plaintiffs,  
recorded at O.R.3990, pg. 629, Public Records of Hillsborough County, Florida. A copy of said  
Warranty Deed is attached as Exhibit "A".

3. Plaintiffs reside at 144 Chippewa Avenue, Tampa, Hillsborough County,  
Florida.



4. Defendant is a national banking corporation that does business in the state of Florida, with its principal place of business at 100 North Tryon Street, Charlotte, North Carolina 28255.

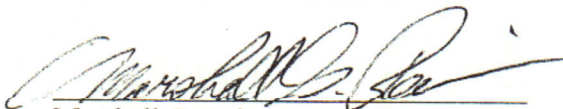
5. Defendant is a successor-in-interest to Citizens and Southern National Bank of Florida which recorded a Mortgage against the above-referenced property of the Plaintiffs, recorded at O.R.5322, pg. 009, Public Records of Hillsborough County, Florida, recorded on January 27, 1988. A copy of said Mortgage is attached as Exhibit "B".

6. The Mortgage is invalid and unenforceable in that it became fully matured on January 25, 2003, and statute of limitation for the enforcement thereof has expired pursuant to Florida Statute 95.281(1)(a).

7. The Mortgage remains unsatisfied of record and constitutes a cloud on Plaintiffs' title to the property.

WHEREFORE, the Plaintiffs request this Honorable Court to enter its judgment against Defendant declaring the Mortgage recorded at O.R.5322, pg. 009, null and void; cancelling the Mortgage of record; quieting title to the property owned by Plaintiffs and against Defendant and all persons claiming under Defendants; and granting costs of this action and such other relief as the Court may deem proper.

LAW OFFICES OF  
MARSHALL G. REISSMAN



Marshall G. Reissman, Esq.  
Attorney for Plaintiffs  
5150 Central Avenue  
St. Petersburg, FL 33707  
Telephone: (727) 322-1999  
Facsimile: (727) 327-7999  
FBN: 0310085  
SPN: 00170514

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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,

Case No. 08-7185  
Division: C

Vs.

BANK OF AMERICA CORPORATION,  
As Successor in Interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

FILED  
AUG 11 2008  
CLERK OF CIRCUIT COURT  
CIRCUIT CIVIL DEPT.

MOTION FOR DEFAULT

COMES NOW, the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE, by and through undersigned attorney, and hereby move for entry of a default by the Clerk of the Court against the Defendant, BANK OF AMERICA CORPORATION, for failure to serve any paper on the undersigned or file any paper as required by law.

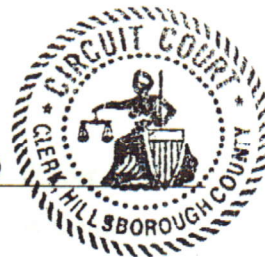
DEFAULT

A default is entered in this action against the Defendant named in the foregoing Motion for failure to serve or file any paper as required by law.

Dated on August 11, 2008.

PAT FRANK  
As Clerk of the Court

By [Signature]  
As Deputy Clerk





IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,

Case No. 08-7185  
Division: C

Vs.

BANK OF AMERICA CORPORATION,  
As successor in interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

*Amg* FILED  
AUG 11 2008  
CLERK OF CIRCUIT COURT  
CIRCUIT CIVIL DEPT.

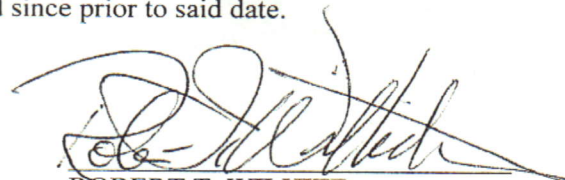
AFFIDAVIT IN SUPPORT OF  
MOTION FOR DEFAULT JUDGMENT

COMES NOW, the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE, by and through undersigned counsel, and hereby swear and depose as follows:

1. We are the Plaintiffs in the above-referenced action.
2. That the allegations of the Complaint to Quiet Title are true and correct and are incorporated herein by reference.
3. That the Defendant's mortgage on our homestead located at 114 Chippewa Avenue, Tampa, Hillsborough County, Florida became fully matured on January 25, 2003, and no activity or payments on said mortgage has occurred since prior to said date.

FURTHER, AFFIANTS SAYETH NOT.

  
SARAH B. WILHITE

  
ROBERT T. WILHITE

STATE OF FLORIDA

COUNTY OF PINELLAS

I hereby certify that on this 31<sup>st</sup> day of July, 2008, before me, an officer duly authorized in the aforesaid state and in the aforesaid county to take acknowledgements, personally appeared SARAH B. WILHITE, who has produced \_\_\_\_\_, as identification or who is personally known to me to be the person described in and who

executed the foregoing instrument and acknowledged before me that she executed the same freely and voluntarily.



Notary Public

My Commission Expires:

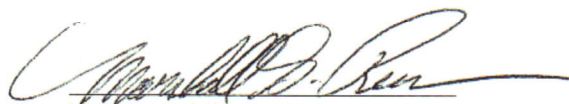
STATE OF FLORIDA

COUNTY OF PINELLAS



MARSHALL G. REISSMAN  
MY COMMISSION # DD 432031  
EXPIRES: May 22, 2009  
Bonded Thru Budget Notary Services

I hereby certify that on this 31<sup>st</sup> day of July, 2008, before me, an officer duly authorized in the aforesaid state and in the aforesaid county to take acknowledgements, personally appeared ROBERT T. WILHITE, who has produced \_\_\_\_\_, as identification or who is personally known to me to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily.



Notary Public

My Commission Expires:



MARSHALL G. REISSMAN  
MY COMMISSION # DD 432031  
EXPIRES: May 22, 2009  
Bonded Thru Budget Notary Services

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,

Case No. 08-7185  
Division: C

Vs.

BANK OF AMERICA CORPORATION,  
As successor in interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

MOTION FOR DEFAULT

COMES NOW, the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE, by and through undersigned counsel, and hereby move for entry of a default by the Clerk against Defendant, BANK OF AMERICA CORPORATION, as it has failed to timely serve and file any responsive pleading on the undersigned herein.

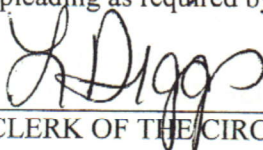
LAW OFFICES OF  
MARSHALL G. REISSMAN



Marshall G. Reissman, Esquire  
Attorney for Plaintiffs  
5150 Central Avenue  
St. Petersburg, FL 33707  
Telephone: (727) 322-1999  
Facsimile: (727) 327-7999  
FBN: 0310085

DEFAULT

A Default is entered in this action against the Defendant named in the foregoing Motion for failure to timely serve and file any responsive pleading as required by law entered this 30th day of July, 2008.

  
CLERK OF THE CIRCUIT COURT

Copy furnished to:  
Marshall G. Reissman, Esq., 5150 Central Avenue, St. Petersburg, FL 33707



IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

ROBERT T. WILHITE and  
SARAH B. WILHITE,  
Plaintiff,

Case No. 08-7185  
Division: C

Vs.

BANK OF AMERICA CORPORATION,  
As Successor in Interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

---

**FINAL DEFAULT JUDGMENT**  
**QUIETING TITLE**

THIS CAUSE came before the Court upon the Complaint to Quiet Title filed by the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE, against the Defendant, BANK OF AMERICA CORPORATION. The Court finds that BANK OF AMERICA CORPORATION was served with a Summons and Complaint herein on April 3, 2008. No response was filed, and the Clerk has entered a default. The Court further finds that BANK OF AMERICA CORPORATION is the Successor In Interest to Citizens and Southern National Bank, and the mortgage of Citizens and Southern National Bank encumbering the real property of the Plaintiffs is invalid and unenforceable. Therefore, it is,

ORDERED AND ADJUDGED as follows:

1. That the Final Judgment is hereby entered in favor of the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE, and against BANK OF AMERICA CORPORATION as to the Complaint to Quiet Title filed by the Plaintiffs.
2. That the Mortgage of Citizen's and Southern National Bank of Florida (of which Defendant, Bank of America Corporation is the Successor in Interest) recorded at Official Records Book 5322, Page 009, Public Records of Hillsborough County, Florida on January 27, 1988, encumbering the following described real property:

The Southerly ½ of Lot 27, all of Lot 28 and the Northerly ½ of Lot 29 in Block 15 of DAVIS ISLAND SOUTH PARK SECTION, as per map or plat thereof as recorded in Plat Book 10, Page 54 of the Public Records of Hillsborough County, Florida.

is hereby declared to be null and void. Said mortgage is further hereby declared to be cancelled, thereby quieting title to said property owned by the Plaintiffs against the Defendant and all persons claiming under Defendants.

3. The Court reserves jurisdiction to assess costs of this action.

DONE AND ORDERED in Tampa, Hillsborough County, Florida on this 16<sup>th</sup> day of September, 2008.

  
CIRCUIT COURT JUDGE

Copies furnished to:

Marshall G. Reissman, Esq.  
Robert T. Wilhite and Sarah B. Wilhite  
Bank of America Corporation  
c/o CT Corporation System  
Registered Agent