Adding Additional County Fields
Nandatory Fields



CHRISTOPHER K. BAXTER, ESQ. Admitted in AR, TX, GA & NY

GARY D. MARINOSCI, ESQ. Admitted in RI & MA GASTON P. LOOMIS, ESQ.

Admitted in DE, NJ & PA

CHAD A. MORRONE, ESQ.

DEREK R. COURNOYER, ESQ. Admitted in FL & RI DAVID V. NOYCE, ESQ. Admitted in KS & MO

JOSEPH M. DOLBEN, ESQ. Admitted in NH, MA & RI

DAVID M. BENGS, ESQ. Admitted in IN & MI DIANAA. CARPINTERO, ESQ.

ProVest LLC 45 Seedling Circle Tampa, FL 33614

RE: FLAGSTAR BANK, FSB;

Plaintiff,

JOSE ESTEBAN GUADA; UNKNOWN SPOUSE OF JOSE ESTEBAN GUADA; UNKNOWN TENANT #1 IN POSSESSION OF THE PROPERTY; UNKNOWN TENANT #2 IN

POSSESSION OF THE PROPERTY

Defendant(s):

Our File No: 19-00335

Dear Sir/Madam,

Enclosed please find an original summons, complaint, and Lis Pendens for service on the individuals, pursuant the enclosed summonses.

If you find that the Defendant(s) reside at a different address than listed on the Summons, please perform alternate service as needed.

Please effect service and forward the original documents directly to the Court for filing. Furthermore, kindly record the Lis Pendens with the HIGHLANDS County Land Records. I have enclosed the checks for the filing fees. Please include your invoice for services.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Mona Eugene Complaint Department

100 West Cypress Creek Road, Suite 1045, Fort Lauderdale, Florida 33309

Phone (954) 644-8704 Facsimile (401) 262-2110

275 West Natick Road, Suite 500, Warwick, Rhode Island 02886

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Phone (401) 234-9200 Facsimile (401) 398-2594

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MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands

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MCS File: 19-00335 Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands



The form below has been designed to assist with the calculation requirements of s. 28.241 (1)(a)1.a., F.S., regarding mortgage foreclosure graduated filing fees, based on the estimated value of the claim and includes the required fees for mediation, education and additional defendants. (See chart below)

| Date:   | Case Number:County: Highlands   |  |  |  |
|---|---|--|--|--|
| FLAGSTAR B  | ANK, FSB;   |  |  |  |
| VS.   |   |  |  |  |
|   | ; JOSE GUADA; JOSE GUADA; UNKNOWN SPOUSE OF JOSE ESTEBAN GUADA; >> TENANT #1 IN POSSESSION OF THE PROPERTY; UNKNOWN TENANT #2 IN POSSESSION OF TY;  |  |  |  |
|   | Defendants  |  |  |  |
| 2. \$<br>3. \$  | S_Principal due on the note Interest owed on the note Total advances owed on the note including  S Property taxes S Insurance S Other Advances  (The total of these three categories provides the amount for line 3.)  Value of Tax Certificates relating to mortgage  261.16 TOTAL ESTIMATED VALUE OF CLAIM  (Add lines 1-4 to get the total for line 5) Charlotte Anderson, Esq., Marinosci Law Group, P.C. (Please Print) Name, Title and Company  Charlotte Anderson, Esq., Marinosci Law Group, P.C. |  |  |  |
| GRADUATED FILING FEES BASED ON THE VALUE OF THE CLAIM |   |  |  |  |
| \$400   | Value less than or equal to \$50,000.00 with 5 defendants or less   |  |  |  |
| \$905   | Value greater than \$50,000 but less than \$250,000 with 5 defendants or less   |  |  |  |
| \$1,905   | Value of 250,000 or greater with 5 defendants or less   |  |  |  |
| \$2.50  | Additional fee for each defendant over 5  |  |  |  |
|   | Plaintiff  w Group, P.C.  ress Creek Road, Suite 1045   |  |  |  |

MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands

Fort Lauderdale, FL 3330º

ServiceFL@mlg-defaultlaw.co... ServiceFL2@mlg-defaultlaw.com

Phone: (954)-644-8704; Fax (401) 262-2110

CIVIL COVER STEET

# Form 1.997 Civil Cover Sheet

Highlands

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion).

# IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT, IN AND FOR HIGHLANDS COUNTY, FLORIDA

| I. CASE STYLE   |   |   |
|---|---|---|
| FLAGSTAR BANK, FSB<br>PLAINTIFF   |   | CASE#   |
| VS,   |   | ***************************************   |
| JOSE ESTEBAN GUADA; UNK<br>ESTEBAN GUADA; UNKN<br>POSSESSION OF THE PROPER<br>#2 IN POSSESSION OF THE PR<br>DEFENDANT   | OWN TENANT #1 IN<br>RTY; UNKNOWN TENANT | JUDGE   |
| II. TYPE OF CASE  |   | ne type of case, select the most definitive category.) If the most gory (is indented under a broader category), place an x in both egory boxes.   |
| ☐ Condominium ☐ Contracts and indebtedness ☐ Eminent domain ☐ Auto negligence ☐ Negligence - other ☐ Business governance ☐ Business torts ☐ Environmental/Toxic tort ☐ Third party indemnification ☐ Construction defect ☐ Mass tort ☐ Negligent security ☐ Nursing home negligence ☐ Premises liability—commerci ☐ Premises liability—residentiate ☐ Products liability X Real property/Mortgage foreclosure \$0 - ☐ Commercial foreclosure \$0 - ☐ Commercial foreclosure \$50, ☐ Commercial foreclosure \$250, ☐ Constitutional challenge—pr ☐ Corporate trusts ☐ Discrimination—employment ☐ Insurance claims ☐ Intellectual property | Hom   Hom   Hom   Non   \$0 -           | nestead residential foreclosure \$0 - \$50,000 nestead residential foreclosure \$50,001 - \$249,999 nestead residential foreclosure \$250,000 or more homestead residential foreclosure \$50,000 Nonhomestead residential foreclosure \$50,001 - \$249,999 Nonhomestead residential foreclosure \$250,000 or more Other real property actions \$0 - \$50,000 Other real property actions \$50,001 - \$249,999 Other real property actions \$250,000 or more resional malpractice Malpractice—business Malpractice—business Malpractice—other professional Malpractice—other professional Constitutional challenge—statute or ordinance  Libel/Slander  Shareholder derivative action Securities litigation Trade secrets Trust litigation |
| III. REMEDIES SOUGHT ( x monetary; nonmonetary declarator punitive  |   | move  |
| MCS File: 10-00335 Loan:  | VVVVVVVIII Proportu                     | 114 MELODY CT LAKE PLACID EL 33852  |

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V place number one "1"; in brackets

| IV.  | NUMBER OF CAUSES OF ACTION: [1]  (specify)  (OUNT FORECLOSURE OF MORTGAGE)  |
|------|---|
| V.   | IS THIS CASE A CLASS ACTION LAWSUIT?  yes  x no   |
| VI.  | HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?  x no  □ yes If "yes," list all related cases by name, case number, and court. |
| VII. | IS JURY TRIAL DEMANDED IN COMPLAINT?  ☐ yes x no  |

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Attorneys for Plaintiff
Marinosci Law Group, P.C.
100 West Cypress Creek Road, Suite 1045
Fort Lauderdale, FL 33309
Phone: (954)-644-8704; Fax (401) 262-2110
ServiceFL@mlg-defaultlaw.com
ServiceFL2@mlg-defaultlaw.com

ADD a date

Date line

delets

MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852,

Highlands '

of-32

page #5

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT, IN AND FOR HIGHLANDS COUNTY, FLORIDA GENERAL JURISDICTION DIVISION CASE NO. FLAGSTAR BANK, FSB; Plaintiff, VS. JOSE ESTEBAN GUADA; UNKNOWN SPOUSE OF JOSE ESTEBAN GUADA: UNKNOWN TENANT #1 IN POSSESSION OF THE PROPERTY; UNKNOWN TENANT #2 IN POSSESSION OF THE PROPERTY; Defendants only reed aption.
Should be even FLAGSTAR BANK, FSB; Plaintiff. JOSE ESTEBAN GUADA; UNKNOWN SPOUSE OF JOSE ESTEBAN GUADA; UNKNOWN TENANT #1 IN POSSESSION OF THE PROPERTY; UNKNOWN TENANT #2 IN POSSESSION OF THE PROPERTY: Defendants NOTICE OF LIS PENDENS 1. TO: The above named defendants and ALL OTHERS WHOM IT MAY CONCERN: 2. YOU ARE NOTIFIED of the institution of this action against you by the Plaintiff, seeking to foreclose the Note and Mortgage encumbering the described property and the decreeing of a sale of the property under the direction of the court in default of the payment of the amount found to be due Plaintiff under the Note and Mortgage, and for other further and general relief set forth in the Complaint. The property involved is that certain parcel, lot or unit situate, lying in Highlands County, Florida, as set forth in the mortgage recorded in Official Records Book 2599 at Page 650, more particularly described as follows: LOT 32, 33, AND 34, BLOCK C, SUN'N LAKE ESTATES SECTION 3, ACCORDING TO THE MAP AND PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 31, PUBLIC RECORDS OF HIGHLANDS COUNTY, FLORIDA. Dated: Attorneys for Plaintiff Marinosci Law Group, P.C. 100 West Cypress Creek Road, Suite 1045 Fort Lauderdale, FL 33309 delete Phone: (954)-644-8704; Fax (401) 262-2110 ServiceFL@mlg-defaultlaw.com Service L2@mlg-defaultlaw.com MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands delete page #

BOLD All MERGETABLE FIELDS please in the body of the Complaint only.

In the circuit court of the tenth judicial circuit, in and for highlands county, florida

GENERAL JURISDICTION DIVISION

margable into in +

CASE NO.:

FLAGSTAR BANK, FSB; Plaintiff,

VS.

JOSE ESTEBAN GUADA; UNKNOWN SPOUSE OF JOSE ESTEBAN GUADA; UNKNOWN TENANT #1 IN POSSESSION OF THE PROPERTY; UNKNOWN TENANT #2 IN POSSESSION OF THE PROPERTY

Defendants.

VERIFIED COMPLAINT

Plaintiff, FLAGSTAR BANK, FSB sues the Defendant(s) mentioned in the above styled case and alleges:

Tiens Of Mortgage

1. This is an action to foreclose a Mortgage on real property in Highlands County, Florida.

2. This Court has jurisdiction over the subject matter herein.

3. On September 1, 2017, JOSE GUADA, executed and delivered a Promissory Note; JOSE GUADA, executed and delivered a Mortgage securing the payment of the Note to the Payer named thereon.

4. The Mortgage was recorded on September 25, 2017 in Official records Book 2599 at Page 650, of the Public Records of HIGHLANDS County, Florida, and mortgaged the property described therein, then owned by and in possession of said mortgagor(s).

5. In accordance with the Certification attached, Plaintiff is the holder of the original note secured by the mortgage. A copy of the subject loan documents are attached hereto and incorporated herein as composite Exhibit "A".

6. Defendant(s), JOSE GUADA, own(s) the property. Said interest is subject, subordinate, and inferior to the lien of the Mortgage held by the Plaintiff.

7. There is a default under the terms of the Note and Mortgage for the September 1, 2018 payment and all payments due thereafter.

Plaintiff declares the full amount payable under the Note and Mortgage to be due.

Plaintiff avers that all conditions precedent, to acceleration of the subject loan and foreclosure of the subject Mortgage, have been performed, have occurred, or were waived. Fla. R. Civ. P. 1.120(c). Defendant(s) have been provided with notice of default and acceleration, and right to reinstate, as required by the terms of the Note and Mortgage. A copy of the Notice is attached hereto as Exhibit "B."

10. There is now due, owing, and unpaid to Plaintiff herein Two Hundred Twenty-Eight Thousand Two Hundred Sixty-One and 16/100 DOLLARS (\$228,261.16) on principal of said Note and Mortgage, plus interest from August 2, 2018, and title search expenses for ascertaining necessary parties to this suit, escrow shortage, advances, late fees, costs, and attorney's fees.

MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852
Highlands

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Veri /

BOLD all mergeable fields (names/trens/judgments) in the body of the complaint only.

- 11. Plaintiff has obligated itself to pay the undersigned attorneys a reasonable fee for their services herein pursuant to Fla. Stat. §57.105 and subject mortgage.
- 12. Defendant, UNKNOWN SPOUSE OF JOSE GUADA, is joined because she/he may claim some interest in or lien upon the subject property by virtue of a possible homestead interest. Said interest is subject, subordinate, and inferior to the interest of the Plaintiff's Mortgage.
- 13. Defendant, UNKNOWN SPOUSE OF JOSE ESTEBAN GUADA is joined because she/he may claim some interest in or lien upon the subject property by virtue of a possible homestead interest. Said interest is subject, subordinate, and inferior to the interest of the Plaintiff's Mortgage.
- 14. Defendant(s), UNKNOWN TENANT #1 IN POSSESSION OF THE PROPERTY, is joined because he/she may claim some interest in the property described by virtue of being in actual possession of same or by virtue of a tenancy at will, but this interest, if any, is subject and inferior to the lien of Plaintiff's Mortgage, is not that of a bona fide tenant, as defined by law, or is otherwise terminable as provided by law.
- 15. Defendant(s), UNKNOWN TENANT #2 IN POSSESSION OF THE PROPERTY, is joined because he/she may claim some interest in the property described by virtue of being in actual possession of same or by virtue of a tenancy at will, but this interest, if any, is subject and inferior to the lien of Plaintiff's Mortgage, is not that of a bona fide tenant, as defined by law, or is otherwise terminable as provided by law.

WHEREFORE, Plaintiff prays: That an accounting may be had and taken under the direction of this Court of what is due the Plaintiff for principal and interest on said mortgage and note, and for the cost, charges and expenses, including attorney's fees and title search cost, and advancements which Plaintiff may be put to or incur in and about this suit, and that the Defendant(s) found responsible for same be ordered to pay the Plaintiff herein the amount so found to be due it; that in default of such payments, all right, title, interest, claim, demand, or equity of redemption of the Defendants and all other persons claiming by, through, under or against said Defendants since the filing of the Lis Pendens herein be absolutely barred and foreclosed and that said mortgaged property be sold under the direction of this Court; that out of the proceeds of said sale, the amounts due the Plaintiff may be paid so far as same will suffice; and that a deficiency judgment be entered if applicable and only in the event no Order of Discharge of Personal Liability in Bankruptcy has been entered as to any of the Defendants who signed the subject note and mortgage and a writ of possession be issued. Plaintiff, through undersigned counsel, hereby gives notice that this action is intended to seek only in rem relief against any debtor that has been discharged in bankruptcy or under circumstances in which the Plaintiff has only in rem relief from stay during an active bankruptcy.

TO ALL DEFENDANTS: PLEASE NOTE EFFECTIVE OCTOBER 13, 2006, 15 U.S.C.§1692G OF THE FAIR DEBT COLLECTION PRACTICES ACT HAS BEEN AMENDED AS FOLLOWS (in pertinent part):

(a)LEGAL PLEADINGS – Section 809 of the fair Debt Collection Practices (15 U.S.C. 1692g) is amended by adding at the end the following new subsection:

"(d) legal Pleadings—A communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of subsection (a)."

## **VERIFICATION**

Under penalty of perjury, I declare that I have read the foregoing Verified Complaint and that the facts alleged therein are true and correct to the best of my knowledge and belief.

Authorized Representative of Plaintiff, FLAGSTAR BANK, FSB

MCS File: 19-00335: Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands 9 of 32

|  | Signature    | -            |
|--|--------------|--------------|
|  | Printed name | -            |
|  | Title        |              |
|  | Executed on  | <del>_</del> |
| Attorneys for Plaintiff  | Pate .       |              |
| Marinosci Law Group, P.C.<br>100 West Cypress Creek Road, Suite 1045   |              |              |
| Fort Lauderdale, FL 33309 Phone: (954)-644-8704; Fax (401) 262-2110 servicefl@mlg-defaultlaw.com servicefl2@mlg-defaultlaw.com | Nove Over    | 17           |

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT, IN AND FOR HIGHLANDS COUNTY, FLORIDA GENERAL JURISDICTION DIVISION CASE NO.

FLAGSTAR BANK, FSB;

Plaintiff,

VS.

JOSE ESTEBAN GUADA, ET AL

Defendant(s)

# **SUMMONS**

# PERSONAL SERVICE ON A NATURAL PERSON

TO:
JOSE GUADA
114 MELODY CT
LAKE PLACID, FL 33852

**IMPORTANT** 

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 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.

## **IMPORTANT**

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podria 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 guia telefonica. Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

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MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands

#### **IMPORTANT**

Des poursuites judiciares ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obliges de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones). Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expediter une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme ci-dessous.

If you choose to file a written response yourself, at the same time you file your written response to the Court, located

4IGHLANDS COUNTY COURTHOUSE Clerk of Courts 590 South Commerce Ave Sebring, FL 33870 863-402-6565

you must also mail or take a carbon copy or photocopy of your written response to the "Plaintiff's Attorney named below:

Plaintiff/Plaintiff's Attorney

MARINOSCI LAW GROUP, P.C. 100 West Cypress Creek Road, Suite 1045 Ft. Lauderdale, FL 33309 / (954) 644-8704 ServiceFL@mlg-defaultlaw.com ServiceFL2@mlg-defaultlaw.com

MCS File: 19-00335. Loan: XXXXXX0126, Property: 114 MELODY CT, LAKE PLACID, FL 33852, Highlands 12 of 32

# THE STATE OF FLORIDA

| this lawsuit on the above-named Defendant(s). |   |
|---|---|
| DATED ON                                      |   |
|   | CLERK OF THE CIRCUIT COURT Robert W. Germaine As Clerk of the Court by: |

TO EACH SHERIFF OF THE STATE: You are commanded to serve this summons and a copy of the Complaint in

By:
As Deputy Clerk

JD Peacock II

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator at (863) 534-4686 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Information about the Debtor's rights under the Fair Debt Collection Practices Act is contained later in this package. It contains important information. Please read it.

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