

COUNT II – RE-ESTABLISHMENT OF NOTE

13. This is an action to re-establish a lost Mortgage Note pursuant to Florida Statutes §673.3091 (2006).

14. Plaintiff incorporates by reference the allegations previous pled as fully set forth herein.

15. The Plaintiff and the Defendants named herein are the only persons known to Plaintiff to have an interest for or against the re-establishment of the Mortgage Note.

16. Plaintiff was in possession of the Mortgage Note and entitled to enforce it when loss of possession occurred or Plaintiff has been assigned the right to enforce the Mortgage Note. (See the attached true copy of the Note.)

17. The terms of the Note are as follows:

- a. Original loan amount: \$ 271,600.00
- b. Amount of monthly principal and interest payment: \$1,922.37
- c. Interest rate: 7.6250%
- d. Loan beginning date: January 02, 2007

18. At some time between January 2, 2007, and the present, the Mortgage Note has either been lost or destroyed and the Plaintiff is unable to state the manner in which this occurred. After due and diligent search, Plaintiff has been unable to obtain possession of the Mortgage Note.

19. The Mortgage Note has not been seized or transferred by Plaintiff.

WHEREFORE, Plaintiff requests that the Court re-establish the Mortgage Note which this Mortgage secures.