

IN THE CIRCUIT COURT OF THE 12TH  
JUDICIAL CIRCUIT IN AND FOR  
MANATEE COUNTY, FLORIDA

WORLD SAVINGS BANK, FSB,

Plaintiff,

vs.

Case No. 2008-CA-000113

B

PATRICK J. COOK,  
DARLA W. COOK,  
JOHN TENANT and  
JANE TENANT,

Defendants.

SS  
FILED FOR RECORD  
P.B. SHORE  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA  
2008 JA-4 PM 1:56

**COMPLAINT**  
**COUNT I**  
**Action to Re-Establish Lost Document**

1. This is an action to re-establish a lost mortgage pertaining to property located in Manatee County, Florida.

2. On July 24, 2007, Defendants PATRICK J. COOK and DARLA W. COOK tendered to Plaintiff an original promissory note and mortgage.

3. Upon the delivery of said original instruments to Plaintiff, Plaintiff placed the same with its other original documents. Thereafter, said promissory note and mortgage together with other papers were, to the best of Plaintiff's knowledge, placed in a vault for safekeeping.

4. The said original mortgage is however not in the custody or control of Plaintiff. Plaintiff has made a diligent search, to the best of its ability, for this document and file but has been unable to locate said instrument. Plaintiff does not know whether the mortgage was destroyed or lost and the same is therefore deemed lost or destroyed.

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5. The Plaintiff and the Defendants who are named in this Complaint are the only persons known to Plaintiff who are interested for or against the re-establishment of said mortgage.

6. The photocopy attached hereto as Exhibit "B" is a true and correct copy of the original lost or destroyed mortgage.

7. The subject mortgage has not been transferred by Plaintiff (in whole or in part) to any third party.

WHEREFORE, Plaintiff prays that this Court enter an Order re-establishing the said lost instrument in lieu of the original, together with such other relief as the Court deems appropriate.

**COUNT II**  
**Action to Foreclose Mortgage**

Plaintiff WORLD SAVINGS BANK, FSB, sues Defendants PATRICK J. COOK, DARLA W. COOK, JOHN TENANT and JANE TENANT and alleges:

8. This is an action to foreclose a mortgage on real property in Manatee County, Florida.

9. The Defendants PATRICK J. COOK and DARLA W. COOK executed and delivered a promissory note and mortgage securing payment of the same to Plaintiff, dated July 24, 2007, which mortgage was recorded on August 7, 2007, in Official Records Book 2220, Page 66, of the Public Records of \* County, Florida, and which mortgaged the property described therein, then owned by and in possession of said mortgagor, a copy of said note and mortgage being attached hereto, marked Plaintiff's Exhibits "A" and "B", and made a part of this Complaint.

10. Plaintiff owns and holds said note and mortgage.

11. Said property is now owned by Defendants PATRICK J. COOK and DARLA W. COOK.

12. Said note and mortgage are in default in that the payment due September 15, 2007 and all subsequent payments have not been made.

13. Plaintiff declares the full amount due under said note and mortgage to be now due.

14. There is now due, owing and unpaid to Plaintiff from Defendants PATRICK J. COOK and DARLA W. COOK \$400,000.00 on principal plus interest on said note and mortgage from August 15, 2007 together with late charges, title search expense for ascertaining necessary parties to this action, real estate taxes, insurance premiums, mortgage insurance premiums, costs and expenses incurred by Plaintiff in securing the property described in the mortgage, and attorney's fees all of which Plaintiff may become obligated to pay in order to protect the property described in the mortgage and to recover the sums due Plaintiff, all of which sums are secured by the lien of the mortgage herein sought to be foreclosed.

15. The Defendants JOHN TENANT and JANE TENANT, the names being fictitious to account for parties in possession, may have or claim some right, title or interest in and to the property herein sought to be foreclosed by virtue of an unrecorded lease or purchase option or by virtue of being in actual possession of same. The actual names of these Defendants are presently unknown to Plaintiff and its undersigned attorney.

16. All of the above-mentioned recordings in Official Records Book were in Official Records of Manatee County, Florida.

17. Plaintiff has obligated itself to pay the undersigned attorneys a reasonable fee for their services.

18. The Plaintiff further alleges that the claim, lien, right, title and interest of all the Defendants herein named and hereafter made parties to this suit are subject, subordinate and inferior to the right, title, interest and lien of the Plaintiff's mortgage herein sought to be foreclosed.


19. All conditions precedent to the institution of this action by the Plaintiff have been performed or have occurred.

20. Pursuant to the Fair Debt Collection Practices Act, you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

21. A notice has been mailed to Defendants PATRICK J. COOK and DARLA W. COOK pursuant to the Fair Debt Collection Practices Act. A copy of that notice is attached hereto as Plaintiff's Exhibit "C".

WHEREFORE, the Plaintiff prays that the Court enter judgment foreclosing the mortgage, grant Plaintiff its reasonable attorney's fees, enter an order granting Plaintiff a writ of possession of the mortgaged property and such other or further relief as Plaintiff may be entitled to receive, and, if the proceeds of the sale are insufficient to pay Plaintiff's claim, a deficiency judgment.

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By:   
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