

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

WELLS FARGO BANK, N.A,

CASE NO.

Plaintiff(s),

DIVISION

vs.

PATRICK J. COOK; DARLA COOK; MANGO
PARK HOMEOWNERS ASSOCIATION, INC. ;
ANY AND ALL UNKNOWN PARTIES
CLAIMING BY, THROUGH, UNDER AND
AGAINST THE HEREIN NAMED INDIVIDUAL
DEFENDANT(S) WHO ARE NOT KNOWN TO
BE DEAD OR ALIVE, WHETHER SAID
UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES,
GRANTEES, OR OTHER CLAIMANTS;
UNKNOWN TENANT 1, UNKNOWN TENANT
2, UNKNOWN TENANT 3, UNKNOWN
TENANT 4, the names being fictitious to account
for parties in possession,

Defendant(s).

VERIFIED COMPLAINT FOR RESIDENTIAL FORECLOSURE

Comes now, the Plaintiff, WELLS FARGO BANK, N.A by and through the undersigned counsel,
and hereby sues Defendants, alleging:

COUNT ONE: FORECLOSURE

1. This is an action to foreclose a Mortgage on real property located in Manatee County, Florida.
2. The subject Promissory Note ("Note") dated July 24, 2007, was executed and delivered to Plaintiff or Plaintiff's predecessor in interest. The subject Mortgage securing payment of the Note was recorded on or about August 7, 2007, in Official Records Book 2220, at Page 66, of the Public Records of Manatee County, Florida, and mortgaged the subject real property then owned by and in possession of the mortgagor(s). A copy of the subject Promissory Note and Mortgage are attached hereto and incorporated herein.

3. The Mortgage of the Plaintiff is a lien superior in dignity to any prior or subsequent right, title, claim, lien or interest arising out of mortgagor or the mortgagor's predecessors in interest.
4. Plaintiff is the holder of the Note and entitled to enforce the terms thereof as Plaintiff is in possession of the original Note payable to Plaintiff's predecessor in interest.
5. Plaintiff has the right to enforce all interests in the subject Note and Mortgage, including but not limited to the right to maintain this foreclosure action, by virtue of successive mergers initiating with the original lender, WORLD SAVINGS BANK, FSB which occurred prior to the filing of this action.
6. PATRICK J. COOK AND DARLA W. COOK have defaulted under the covenants, terms and agreements of the Note in that the payment due June 15, 2013, and all subsequent payments have not been paid.
7. PATRICK J. COOK AND DARLA W. COOK have defaulted under the covenants, terms and agreements of the Mortgage by virtue of failure to make the payments due under the terms of the Note.
8. PATRICK J. COOK AND DARLA W. COOK owe Plaintiff \$414,608.70 that is now due and owing on principal, plus interest from and after May 15, 2013 and title search expenses for ascertaining necessary parties to this action.
9. In order to protect its security, the Plaintiff may have advanced and paid Ad Valorem Taxes, premiums on insurance required by the Mortgage and other necessary costs, or may be required to make such advances during the pendency of this action. Any such sum so paid will be due and owing Plaintiff.
10. The record legal title to said mortgaged property is now vested in Defendant(s), Darla Cook and Patrick J. Cook and upon information and belief Defendant(s) hold possession.
11. All conditions precedent to the acceleration of this Note and foreclosure of this Mortgage have been fulfilled and have occurred.

12. For purposes of foreclosure, the Plaintiff has retained the undersigned attorneys and is obligated to pay said attorneys a reasonable fee for services rendered.
13. Plaintiff alleges that the claims of the remaining Defendants are secondary, junior, inferior and subject to the prior claim of Plaintiff. More particularly, the remaining Defendants claim some right, title and interest in and to the mortgaged premises in the following manner:
 - a. The Defendant, MANGO PARK HOMEOWNERS ASSOCIATION, INC., may claim some right, title or interest in the property herein sought to be foreclosed by virtue of that certain Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 1350, at Page 3696, of the Public Records of Manatee County, Florida; however, said interest, if any, is subordinate, junior, and inferior to the lien of Plaintiff's mortgage.
 - b. The Defendants, UNKNOWN TENANT 1, UNKNOWN TENANT 2, UNKNOWN TENANT 3, UNKNOWN TENANT 4 the names being fictitious to account for parties in possession, may claim some right, title or interest in the property herein sought to be foreclosed by virtue of possession or some other unknown interest, the exact nature of which is unknown to Plaintiff and not a matter of public record; however, said interest, if any, is subordinate, junior, and inferior to the lien of Plaintiff's mortgage.


WHEREFORE, Plaintiff prays the Court as follows:

Plaintiff requests that the Court ascertain the amount due Plaintiff for principal and interest on the Note and Mortgage and for late charges, abstracting, taxes, expenses, and costs, including attorney's fees, plus interest thereon; that if the sums due Plaintiff under the Note and Mortgage are not paid immediately, the Court foreclose the Mortgage and the Clerk of the Court sell the Property securing the indebtedness to satisfy Plaintiff's mortgage lien in accordance with the provisions of Florida Statutes §45.031 (2006); that the Court retain jurisdiction of this action to make any and all further orders and judgments as may be necessary and proper, including the

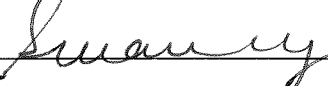
issuance of a writ of possession and the entry of a deficiency decree, unless any Defendant personally liable is discharged from liability pursuant to the provisions of the Bankruptcy Code, 11 U.S.C. § 101, et.seq.

VERIFICATION

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

By: 
Name: Mary Lou Solis
Title: Vice President Loan Documentation
Company: Wells Fargo Bank, N.A.
Date: November 17, 2014

Aldridge Connors, LLP
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BY: 
Fla. Bar# _____ Susan Kang
0725234

PLEASE NOTE 15.U.S.C. §1692(G)(d) OF THE FAIR DEBT COLLECTIONS PRACTICES ACT PROVIDES:

(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) of this section.