

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

ONE WEST BANK, FSB

Case No: 09-014389-CI-11

Plaintiff/Counter-Defendant,

vs.

CHRISTINE BAUER, THOMAS BAUER, ET AL,

Defendants/Counter-Plaintiffs.

**FINAL JUDGMENT ON COUNTS I AND II OF PLAINTIFF'S
COMPLAINT TO FORECLOSE MORTGAGE**

THIS CAUSE having come before the Court at a Non-Jury Trial on August 22, 2012, the Court having reviewed the pleadings, taken testimony of witnesses, considered the record evidence, heard argument of counsel and this Court having considered the matter and being fully advised in the premises, it is hereby,

ORDERED and ADJUDGED:

1. Final Judgment is entered in favor of Defendants/Counter-Plaintiffs Christine Bauer and Thomas Bauer and additionally Defendant Nicholas Bauer on Counts I and II of the Complaint to Foreclose Mortgage with regard to the real property located at 2153 2nd Avenue North, St. Petersburg, FL 33713, more particularly described as follows:

Lot 25, Royal Palm Park, according to the map or plat thereof as recorded in Plat Book 10, Page 56 of the Public Records of Pinellas County, Florida.

2. In weighing the evidence presented, this Court finds that Plaintiff One West Bank, FSB did not meet it's burden to prove that it was entitled to foreclose the mortgage in this matter.

3. In weighing the evidence presented, this Court finds that Plaintiff One West Bank did not meet its burden to prove the lost note count of the Complaint.
4. Final Judgment is entered in favor of Defendants/Counter-Plaintiffs Christine Bauer and Thomas Bauer and additionally Defendant Nicholas Bauer on all claims in Plaintiff/Counter-Defendant's Complaint.
5. With regard to Counts I and II of the Complaint to Foreclose Mortgage, Plaintiff/Counter-Defendant One West Bank, FSB shall take nothing by this action against Defendants/Counter-Plaintiffs Christine and Thomas Bauer and additionally Defendant Nicholas Bauer, and Defendants/Counter-Plaintiffs shall go hence without day.
6. This Court shall retain jurisdiction over Defendants/Counter-Plaintiffs' Counterclaim which shall later be set for jury trial.
7. This Court shall also retain jurisdiction on the issue of attorneys' fees, which may arise from the terms of the note and mortgage, Defendant/Counter-Plaintiffs' Proposal for Settlement and/or Defendant/Counter-Plaintiffs' Motions for 57.105 Sanctions, and on the issue of court costs and interest.

FOR WHICH LET JUDGMENT EXECUTE.

DONE AND ORDERED in chambers in St. Petersburg, Florida on this _____ day of August, 2012.

The Honorable Pamela A.M. Campbell
Circuit Court Judge

Original Signed
SEP 25 2012
Pamela A.M. Campbell
Circuit Judge

Copies to:

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