

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA
CIVIL DIVISION

DITECH FINANCIAL, LLC,
Plaintiff(s),

CASE#: 09-2016-CA-000651
DIVISION:

v.

STEPHEN M. FITZGERALD, et al
Defendant(s).

And

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR J.P.
MORGAN MORTGAGE
ACQUISITION TRUST 2007-CH1,
ASSET BACKED PASS-THROUGH
CERTIFICATES SERIES 2007-CH1
CrossPlaintiff,

v.

STEPHEN M. FITZGERALD and
GERALDINE FITZGERALD; and
CFNA RECEIVABLES (OK), INC.,
F/K/A CITIFINANCIAL SERVICES, INC.,
D/B/A CITIFINANCIAL EQUITY
SERVICES, INC.
CrossDefendants.

JUDGMENT OF DECLARATORY ACTION TO REFORM DEED RECORDED IN
OFFICIAL RECORDS BOOK 1761, PAGE 1795; MORTGAGE RECORDED IN
OFFICIAL RECORDS BOOK 1761, PAGE 1797; MORTGAGE RECORDED IN
OFFICIAL RECORDS BOOK 2238, PAGE 2068 OF THE PUBLIC RECORDS OF
CITRUS COUNTY, FLORIDA AND QUIETING TITLE TO THAT CERTAIN
PROPERTY 6430 E QUAIL RUN LN., INVERNESS, FL 34452

THIS ACTION came before the Court on Plaintiff's Motion for Judgment of the Pleadings in accordance with Florida Rule of Civil Procedure 1.500. On the record presented,

IT IS ADJUDGED that

1. Service of process has been duly and regularly obtained over Defendants, **STEPHEN M. FITZGERALD; GERALDINE FITZGERALD; CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC.; DEUTSCHE BANK NATIONAL**

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MORTGAGE ACQUISITION TRUST 2007-CH1, ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2007-CH1; TAYLOR BEAN & WHITAKER MORTGAGE CORP.; and ALLY BANK.

2. The Defendants **STEPHEN M. FITZGERALD; GERALDINE FITZGERALD; CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC.; TAYLOR BEAN & WHITAKER MORTGAGE CORP.; and ALLY BANK** have not filed an answer to the complaint therefore Default Judgments have been entered against all parties.

3. Defendant **DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR J.P. MORGAN MORTGAGE ACQUISITION TRUST 2007-CH1, ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2007-CH1**, has stipulated to entry of this final judgment.

4. The Plaintiff's Motion for Declaratory Judgment Quieting title is **GRANTED** for the following described property

THE WEST 1/2 OF LOT 3, BLOCK 420B, A REPLAT OF A PORTION OF INVERNESS HIGHLANDS WEST, FIRST ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 116, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

a/k/a 6430 E Quail Run Ln., Inverness, FL 34452, ("Plaintiff's Property").

5. Any and all interest held by Defendants **STEPHEN M. FITZGERALD; GERALDINE FITZGERALD; CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC.; DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR J.P. MORGAN MORTGAGE ACQUISITION TRUST 2007-CH1, ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2007-CH1; TAYLOR BEAN & WHITAKER MORTGAGE CORP.; and ALLY BANK** with reference to Plaintiff's Property as described above is hereby extinguished. Plaintiff is the true and lawful owner of the subject Property.

6. The legal description on that certain Deed recorded in **Official Records Book 1761, Page 1795** between Geraldine Fitzgerald, Grantor and Stephen M Fitzgerald and Geraldine Fitzgerald, as husband and wife; Grantee(s); that certain Mortgage recorded in **Official Records Book 1761, Page 1797** given by Geraldine Fitzgerald and Stephen Fitzgerald to Chase Manhattan Bank USA, N.A. and assigned to Deutsche Bank National Trust Company As Trustee For J.P. Morgan Mortgage Acquisition Trust 2007-CH1, Asset Backed Pass-Through Certificates Series 2007-CH1; and that certain Mortgage recorded in **Official Records Book 2238, Page 2068** given by Geraldine

Fitzgerald and Stephen M. Fitzgerald to CFNA Receivables (Ok), Inc. F/K/A Citifinancial Services, Inc. D/B/A Citifinancial Equity Services, Inc. are hereby reformed to encumber the property owned by Stephen M. Fitzgerald and Geraldine Fitzgerald located at 6354 E. Quail Run Lane, Inverness, FL 34451 more particularly described as:

LOT 1, BLOCK 420B, REPLAT OF A ^{PORTION} INVERNESS HIGHLANDS WEST, FIRST ADDITION, PLAT BOOK 6, PAGE 116 OF THE PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA. ("Fitzgerald Property").

The above referenced Deed and Mortgages shall be reformed as if the Deed and Mortgages had contained the correct legal description at the time of recording, the subject Deed and Mortgages shall retain the lien priorities as previously recorded.

7. The Court finds that **TAYLOR BEAN & WHITAKER MORTGAGE CORP.** were obligated to file and record a written satisfaction of their mortgage within 60 days as required by Florida Statute 701.04(2). The Court therefore orders that the Mortgage recorded in **Official Records Book 1377, at 2492** of the Public Records of Citrus County, Florida, be and hereby deemed satisfied and cancelled of record as a lien on the Plaintiff's Property.

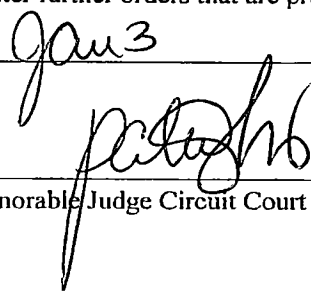
8. The Court finds Plaintiff has a superior interest to Defendant **ALLY BANK's** interest as shown in that certain mortgage in **Official Records Book 1928, at Page 1767**, of the Public Records of Citrus County, FL, and hereby eliminates any cloud that the Mortgage may have in Plaintiff's Property.

9. The Clerk of the Court is hereby directed to record a copy of this Final Judgment evidencing the same.

10. The Court finds that Plaintiff has standing to seek and receive the relief obtained herein.

11. The Court retains jurisdiction of this action to enter further orders that are proper.

ORDERED at ^{Citrus} ~~Broward~~ County, Florida on Jan 3, 2017


The Honorable Judge Circuit Court

SERVICE LIST

Service List

Albertelli Law
P.O. Box 23028
Tampa, FL 33623
E-Service: Servealaw@albertellilaw.com

Ally Bank
C/O CHIEF EXECUTIVE OFFICER
6985 UNION PARK CENTER SUITE 435
MIDVALE, UT 84047

CFNA Receivables (OK), Inc. f/k/a CitiFinancial Services, Inc. d/b/a CitiFinancial Equity Services, Inc
C/O REGISTERED AGENT, THE CORPORATION COMPANY
735 FIRST NATIONAL BUILDING, 120 N. RONINSON
OKLAHOMA CITY, OK 73102

Deutsche Bank National Trust Company as Trustee for J.P. Morgan Mortgage Acquisition Trust 2007-CH1
1761 E. ST. ANDREWS PLACE
SANTA ANA, CA 92705

Deutsche Bank National Trust Company as Trustee for J.P. Morgan Mortgage Acquisition Trust 2007-CH1
C/O Nancy E. Brandt, Esq.
Bogin, Munns & Munns, P.A.
2601 Technology Drive
P.O. Box 2807
Orlando, FL 32804
nancyb@boginmunns.com

Geraldine Fitzgerald
6354 E QUAIL RUN LN
INVERNESS, FL 34452

Stephen M. Fitzgerald
6354 E QUAIL RUN LN
INVERNESS, FL 34452

TAYLOR, BEAN & WHITAKER MORTGAGE CORP.
C/O CT CORPORATION SYSTEM
1200 S. PINE ISLAND RD.
PLANTATION, FL 33324

Furnished by U.S. or Electronic Mail
pursuant to SC10-210, this
9th day of Jan 2017
Citrus County Clerk of Court
By [Signature] Deputy Clerk