

IN THE CIRCUIT COURT OF THE
2ND JUDICIAL CIRCUIT, IN AND FOR
LEON COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 2010CA2070

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS INDENTURE TRUSTEE
UNDER THE INDENTURE RELATING
TO IMH ASSETS CORP.,
COLLATERALIZED ASSET-BACKED
BONDS, SERIES 2005-5,
Plaintiff,

vs.

MARCO A. RUBIO; TIMBER LAKE
HOMEOWNER'S ASSOCIATION, INC.,
OF TALLAHASSEE; DAVID M. RIVERA;
UNKNOWN TENANT (S); IN
POSSESSION OF THE SUBJECT
PROPERTY,
Defendants.

FILED
CLERK OF DISTRICT COURT
LEON COUNTY, FLORIDA
0-00
P.M. 11/17/10

10 JUN 14 AM 10:57

FILED

NOTICE OF LIS PENDENS

TO THE ABOVE STYLED DEFENDANTS AND ALL OTHERS WHOM IT MAY CONCERN:
YOU ARE HEREBY NOTIFIED of the institution of this action by Plaintiff against you seeking
to foreclose a mortgage recorded in Official Records **Book 3258 at Page 368** on the following property in
Leon County, Florida:

**LOT 7, BLOCK "C" OF TIMBER LAKE REPLAT, AS PER MAP OR PLAT
THEREOF RECORDED IN PLAT BOOK 9, PAGE 70 OF THE PUBLIC
RECORDS OF LEON COUNTY, FLORIDA.**

including the buildings, appurtenances, and fixtures located thereon.

DATED **JUN 11 2010**

Law Offices of Marshall C. Watson, P.A.
1800 N.W. 49TH Street, Suite 120
Fort Lauderdale, FL 33309
Telephone: (954) 453-0365
 (800) 441-2438
Facsimile (954) 771-6052

By: _____
Claudine Smikle, Esq.
Bar Number: 520799

Giselle Hugues
Bar #66821



Recorded in the Official Records
of Leon County

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CASE NO.: 2010CA2070

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UNKNOWN TENANT (S); IN
POSSESSION OF THE SUBJECT
PROPERTY,
Defendants.

FILED
CLERK OF CIRCUIT COURT
LEON COUNTY, FLORIDA

10 JUN 14 AM 10:58

FILED

COMPLAINT

The Plaintiff, **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE UNDER THE INDENTURE RELATING TO IMH ASSETS CORP., COLLATERALIZED ASSET-BACKED BONDS, SERIES 2005-5**, sues the Defendants named in the caption hereof and alleges:

COUNT I

1. This is an action to foreclose a mortgage on real property in **LEON** County, Florida.
2. On **March 02, 2005**, **MARCO A. RUBIO AND DAVID M. RIVERA** executed and delivered a promissory note and Purchase Money Mortgage securing payment of the same to **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR AMERIFIRST FINANCIAL CORPORATION**, which mortgage was recorded in the Official Records Book **3258**, Page **368**, of the Public Records of **LEON** County, Florida and which mortgaged the property described therein, then owned by and in possession of said mortgagor. A copy of the note and mortgage are attached hereto and made a part hereof.
3. Plaintiff is the owner of said note.
4. Defendant(s), **MARCO A. RUBIO AND DAVID M. RIVERA**, own(s) the property.



5. There has been a default under the note and mortgage held by Plaintiff in that the payment due **February 01, 2010** and all subsequent payments have not been made. Plaintiff declares the full amount due under the note and mortgage to be now due.
6. All conditions precedent to the filing of this action has been performed or has occurred.
7. There is now due, owing and unpaid to the Plaintiff as of the date of the filing of this complaint the following amounts on principal of said note and mortgage: unpaid principal balance: **\$ 134,795.31**, plus interest, escrow, title search expenses for ascertaining necessary parties to this suit, title search, title exam, filing fee, and attorneys fees and costs.
8. Plaintiff has obligated itself to pay the undersigned attorneys a reasonable fee for their services herein, Pursuant to the loan documents Plaintiff is entitled to an award of attorneys fees.
9. Defendants, as **UNKNOWN TENANT(S)**, in possession of the subject property, may claim some interest in or lien upon the subject property arising from being in actual possession of same, but interest, if any, is subject and inferior to the lien of Plaintiff's mortgage.
10. The Defendant, **TIMBER LAKE HOMEOWNER'S ASSOCIATION, INC., OF TALLAHASSEE** may claim some interest in or lien upon the subject property by virtue of **Any Assessments pursuant to Fl Statute 720.3085.**

WHEREFORE, Plaintiff prays as follows:

- (a.) That this Court will take jurisdiction of this cause, the subject matter and the parties hereto.
- (b.) That this Court ascertain and determine the sums of money due and payable to the Plaintiff from the Defendant(s), including without limitation principal, interest, advances, attorney fees, and costs pursuant to the loan documents.
- (c.) That the sum of money found to be due as aforesaid be decreed by this Court to be a lien upon the lands described in Plaintiff's mortgage.
- (d.) That such lien be foreclosed in accordance with the rules and established practice of this Court, and upon failure of the Defendants to pay the amount of money found to be due by them to the Plaintiff, the said land be sold to satisfy said lien.
- (e.) That this Court decree that the lien of the Plaintiff is superior to any and all right, title or interest of the Defendants herein or any person or parties claiming by, through or under them since the institution of this suit.
- (f.) That all right, title or interest of the Defendants or any person claiming by, through or under them be forever barred and foreclosed.

(g.) That this Court grants general relief in this cause as in its discretion might be just and proper including, but not limited to, a deficiency judgment, except where a discharge is applicable, if the proceeds of the sale are insufficient to pay Plaintiff's claim.

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