

**IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA.**

**CASE NO.: 16-2007-CA-9407  
DIVISION: CV-B**

**DEUTSCHE BANK NATIONAL  
TRUST COMPANY,**

**Plaintiff,**

**vs.**

**PATRICK JEFFS, et. al.,**

**Defendants.**

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**ORDER ON MOTION TO QUASH SERVICE OF PROCESS**

THIS CAUSE was heard on June 16, 2010 upon defendant, Patrick Jeffs', Motion to Quash Service for insufficiency of process, Abate Action and to Cancel Sale and the Court has heard argument of counsel. The Court finds that the hearing was set on June 14, 2010 by this Court's Judicial Assistant calling the attorney for Deutsche Bank with defendant's attorney present. Plaintiff's attorney agreed to the expedited hearing date of June 16, 2010; however, no party or attorney appeared for plaintiff at the hearing.

Based upon the record evidence and unopposed affidavit of Patrick Jeffs the Court finds that by clear and convincing evidence the Return of Service is void as it reflects a summons was issued on October 16, 2007 at 10:09 a.m.; however, this lawsuit was not filed until October 16, 2007 at 3:44 p.m. This means that the Summons served on Mr. Jeffs was not a summons issued by any Florida court and, therefore, must have been counterfeited. Additionally, it was presented upon information and belief that the process server, LaTarshag Armstrong, resides in Jacksonville while the notary public, Ruby Lee French, who notarized Ms Armstrong's signature on the purported Summons is

a resident of Tampa, Florida which means that Ms. Armstrong was not present when her signature was notarized. The Court finds that the requested relief should be granted. Upon consideration, it is

**ORDERED AND ADJUDGED:**

1. Defendant, Patrick Jeffs' Motion to Quash Service of Process is granted and the service of process is vacated and stricken.
2. The Final Judgment of Mortgage Foreclosure as to defendant, Patrick Jeffs, is vacated and set aside.
3. The sale date pursuant to that Final Judgment last set on June 28, 2010 by the Court's Order of May 21, 2010 is cancelled.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida, this \_\_\_\_\_ day of June, 2010.

**ORDER ENTERED**

**JUN 22 2010**

/s/ FREDERICK B. TYGART

**FREDERICK B. TYGART, Circuit Judge**

**Copies to:**

Law Office of Marshall C. Watson, P.A.  
Karen A. Thompson, Esquire  
1800 NW 49<sup>th</sup> Street, Suite 120  
Fort Lauderdale, Florida 33309-9892

Cynthia Veintemillas, Esquire  
David Goldman, Esquire  
3733 University Boulevard West, Suite 212 B  
Jacksonville, Florida 32217