

Form 1.944(a) Mortgage Foreclosure

(When location of original note known)

COMPLAINT

Plaintiff, A. B., sues defendant, C. D., and alleges:

1. This is an action to foreclose a mortgage on real property in County, Florida.
2. On(date)....., defendant executed and delivered a promissory note and a mortgage securing payment of the note to(plaintiff or plaintiff's predecessor)..... The mortgage was recorded on(date)....., in Official Records Book at page of the public records of County, Florida, and mortgaged the property described in the mortgage then owned by and in possession of the mortgagor, a copy of the mortgage and the note being attached.
3. (Select a, b, c, or d)
 - (a) Plaintiff is the holder of the original note secured by the mortgage.
 - (b) Plaintiff is a person entitled to enforce the note under applicable law because(allege specific facts).....
 - (c) Plaintiff has been delegated the authority to institute a mortgage foreclosure action on behalf of(name of holder)....., the holder of the original note. The document(s) that grant(s) plaintiff the authority to act on behalf of the holder of the original note is/are as follows
 - (d) Plaintiff has been delegated the authority to institute a mortgage foreclosure action on behalf of(name of non-holder)....., who is not the holder but is entitled to enforce the note under section 673.3011(2), Florida Statutes, because(allege specific facts)..... The document(s) that grant(s) plaintiff the authority to act on behalf of the person entitled to enforce the note is are as follows
4. The property is now owned by defendant who holds possession.
5. Defendant has defaulted under the note and mortgage by failing to pay the payment due(date)....., and all subsequent payments(allege other defaults as applicable).....

6. Plaintiff declares the full amount payable under the note and mortgage to be due.

7. Defendant owes plaintiff \$..... that is due on principal on the note and mortgage, interest from(date)....., and title search expense for ascertaining necessary parties to this action.

8. Plaintiff is obligated to pay plaintiff's attorneys a reasonable fee for their services. Plaintiff is entitled to recover its attorneys' fees under(allege statutory and/or contractual bases, as applicable).....

WHEREFORE plaintiff demands judgment foreclosing the mortgage, for costs (and, when applicable, for attorneys' fees), and, if the proceeds of the sale are insufficient to pay plaintiff's claim, a deficiency judgment.

NOTE: An action for foreclosure of a mortgage on residential real property must contain an oath, affirmation, or the following statement as required by rule 1.115(e).

VERIFICATION

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

Executed on this(date).....

Person Signing Verification]

CERTIFICATION OF POSSESSION OF ORIGINAL NOTE

The undersigned hereby certifies:

1. That plaintiff is in possession of the original promissory note upon which this action is brought.

2. The location of the original promissory note is:(location).....

3. The name and title of the person giving the certification is:(name and title).....

4. The name of the person who personally verified such possession is:(name).....

5. The time and date on which possession was verified were:(time and date).....

6. Correct copies of the note (and, if applicable, all endorsements, transfers, allonges, or

assignments of the note) are attached to this certification.

7. I give this statement based on my personal knowledge.

Under penalties of perjury, I declare that I have read the foregoing Certification of Possession of Original Note and that the facts stated in it are true.

Executed on(date).....

(Person Signing Certification)

NOTE: This form is for installment payments with acceleration. It omits allegations about junior encumbrances, unpaid taxes, and unpaid insurance premiums, other nonmonetary defaults, and for a receiver. They must be added when appropriate. A copy of the note and mortgage must be attached. This form may require modification. This form is designed to incorporate the pleading requirements of section 702.015, Florida Statutes (2013) and rule 1.115. It is also designed to conform to section 673.3011, Florida Statutes (2013), except that part of section 673.3011, Florida Statutes, which defines a person entitled to enforce an instrument under section 673.3091, Florida Statutes. See form 1.944(b). Pursuant to section 702.015, Florida Statutes (2013), a certification of possession of the original promissory note must be filed contemporaneously with the Complaint (form 1.944(a)) or, in the event that the plaintiff seeks to enforce a lost, destroyed, or stolen instrument, an affidavit setting forth the facts required by law must be attached to the complaint (form 1.944(b)).