

IN THE SUPREME COURT OF FLORIDA

Case No. SC17-954

2ND DCA Case No. 2D15-5198

Trial Court Case No.: 41 2014CA002512AX

**THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, as
Successor trustee to JPMorgan Chase
Bank, N.A., as Trustee on behalf of the
Certificateholders of the CWHEQ, Inc.,
CWHEQ Revolving Home Equity Loan
Trust, Series 2006-D,**

Petitioner,

v.

**DIANNE D. GLENVILLE A/K/A DIANE
D. GLENVILLE A/K/A DIANE
GLENVILLE and MARK S. GLENVILLE,**

Respondents.

**ON DISCRETIONARY REVIEW FROM
THE SECOND DISTRICT COURT OF APPEAL OF FLORIDA
CASE NO. 2D15-5198**

**SUPPLEMENTAL APPENDIX TO PETITIONER'S
REPLY BRIEF ON THE MERITS**

Anthony R. Smith (#157147)
Kathryn I. Kasper (#621188)
Kendra J. Taylor (#108896)
Attorneys for Petitioner
SIROTE & PERMUTT, P.C.
1201 S. ORLANDO AVE., SUITE 430
WINTER PARK, FL 32789

RECEIVED, 11/20/2017 06:03:29 PM, Clerk, Supreme Court

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via U.S. Mail, postage prepaid and E-Mail, to the following on this 20th day of November, 2017:

Sheryl A. Edwards, Esq.
The Edwards Law Firm, PL
500 S. Washington Boulevard, Suite 400
Sarasota, FL 34236
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a/k/a Dianne Glenville and Mark S. Glenville a/k/a Mark Glenville
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Matthew Sirmans, Esq.
Assistant General Counsel
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Fairfax Home Owners Association, Inc. .
c/o Scott K. Petersen, Esq.
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/s/Kendra J. Taylor

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FL Bar #157147

Kathryn I. Kasper, Esq.

FL Bar #621188

Kendra J. Taylor, Esq.

FL Bar #108896

Attorneys for Petitioner

The Bank of New York Mellon f/k/a The
Bank of New York, as Successor Trustee to
JPMorgan Chase Bank, N.A., as Trustee on
behalf of the Certificateholders of the
CWHEQ, Inc., CWHEQ Revolving Home
Equity Loan Trust, Series 2006-D

OF COUNSEL:

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INDEX TO SUPPLEMENTAL APPENDIX

Cite	Documents	Date	Page
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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Florida Statutes Annotated

Title VI. Civil Practice and Procedure (Chapters 45-89) (Refs & Annos)

Chapter 45. Civil Procedure: General Provisions (Refs & Annos)

West's F.S.A. § 45.032

45.032. Disbursement of surplus funds after judicial sale

Effective: July 1, 2007

Currentness

(1) For purposes of ss. 45.031-45.035, the term:

(a) "Owner of record" means the person or persons who appear to be owners of the property that is the subject of the foreclosure proceeding on the date of the filing of the lis pendens. In determining an owner of record, a person need not perform a title search and examination but may rely on the plaintiff's allegation of ownership in the complaint when determining the owner of record.

(b) "Subordinate lienholder" means the holder of a subordinate lien shown on the face of the pleadings as an encumbrance on the property. The lien held by the party filing the foreclosure lawsuit is not a subordinate lien. A subordinate lienholder includes, but is not limited to, a subordinate mortgage, judgment, tax warrant, assessment lien, or construction lien. However, the holder of a subordinate lien shall not be deemed a subordinate lienholder if the holder was paid in full from the proceeds of the sale.

(c) "Surplus funds" or "surplus" means the funds remaining after payment of all disbursements required by the final judgment of foreclosure and shown on the certificate of disbursements.

(d) "Surplus trustee" means a person qualifying as a surplus trustee pursuant to s. 45.034.

(2) There is established a rebuttable legal presumption that the owner of record on the date of the filing of a lis pendens is the person entitled to surplus funds after payment of subordinate lienholders who have timely filed a claim. A person claiming a legal right to the surplus as an assignee of the rights of the owner of record must prove to the court that such person is entitled to the funds. At any hearing regarding such entitlement, the court shall consider the factors set forth in s. 45.033 in determining whether an assignment is sufficient to overcome the presumption. It is the intent of the Legislature to abrogate the common law rule that surplus proceeds in a foreclosure case are the property of the owner of the property on the date of the foreclosure sale.

(3) During the 60 days after the clerk issues a certificate of disbursements, the clerk shall hold the surplus pending a court order.

(a) If the owner of record claims the surplus during the 60-day period and there is no subordinate lienholder, the court shall order the clerk to deduct any applicable service charges from the surplus and pay the remainder to the owner of record. The clerk may establish a reasonable requirement that the owner of record prove his or her identity before receiving the disbursement. The clerk may assist an owner of record in making a claim. An owner of record may use the following form in making a claim:

(Caption of Action)

**OWNER'S CLAIM FOR
MORTGAGE FORECLOSURE SURPLUS**

State of _____

County of _____

Under penalty of perjury, I (we) hereby certify that:

1. I was (we were) the owner of the following described real property in _____ County, Florida, prior to the foreclosure sale and as of the date of the filing of the lis pendens:

(Legal description of real property)

2. I (we) do not owe any money on any mortgage on the property that was foreclosed other than the one that was paid off by the foreclosure.

3. I (we) do not owe any money that is the subject of an unpaid judgment, tax warrant, condominium lien, cooperative lien, or homeowners' association.

4. I am (we are) not currently in bankruptcy.

5. I (we) have not sold or assigned my (our) right to the mortgage surplus.

6. My (our) new address is: _____.

7. If there is more than one owner entitled to the surplus, we have agreed that the surplus should be paid _____ jointly, or to: _____, at the following address: _____.

8. I (WE) UNDERSTAND THAT I (WE) AM (ARE) NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND I (WE) DO NOT HAVE TO ASSIGN MY (OUR) RIGHTS TO ANYONE ELSE IN ORDER TO CLAIM ANY MONEY TO WHICH I (WE) MAY BE ENTITLED.

9. I (WE) UNDERSTAND THAT THIS STATEMENT IS GIVEN UNDER OATH, AND IF ANY STATEMENTS ARE UNTRUE THAT I (WE) MAY BE PROSECUTED CRIMINALLY FOR PERJURY.

(Signatures)

Sworn to (or affirmed) and subscribed before me this ____ day of ____, (year), by (name of person making statement).

(Signature of Notary Public -State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ____ OR Produced Identification ____

Type of Identification Produced

(b) If any person other than the owner of record claims an interest in the proceeds during the 60-day period or if the owner of record files a claim for the surplus but acknowledges that one or more other persons may be entitled to part or all of the surplus, the court shall set an evidentiary hearing to determine entitlement to the surplus. At the evidentiary hearing, an equity assignee has the burden of proving that he or she is entitled to some or all of the surplus funds. The court may grant summary judgment to a subordinate lienholder prior to or at the evidentiary hearing. The court shall consider the factors in s. 45.033 when hearing a claim that any person other than a subordinate lienholder or the owner of record is entitled to the surplus funds.

(c) If no claim is filed during the 60-day period, the clerk shall appoint a surplus trustee from a list of qualified surplus trustees as authorized in s. 45.034. Upon such appointment, the clerk shall prepare a notice of appointment of surplus trustee and shall furnish a copy to the surplus trustee. The form of the notice may be as follows:

(Caption of Action)

NOTICE OF APPOINTMENT OF SURPLUS TRUSTEE

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons named in the certificate of disbursements, and that surplus funds of \$_____ remain and are subject to disbursement to the owner of record. You have been appointed as surplus trustee for the purpose of finding the owner of record in order for the clerk to disburse the surplus, after deducting costs, to the owner of record.

WITNESS my hand and the seal of the court on ____, (year).

(Clerk)

By (Deputy Clerk)

(4) If the surplus trustee is unable to locate the owner of record entitled to the surplus within 1 year after appointment, the appointment shall terminate and the clerk shall notify the surplus trustee that his or her appointment was terminated. Thirty days after termination of the appointment of the surplus trustee, the clerk shall treat the remaining funds as unclaimed property to be deposited with the Chief Financial Officer pursuant to chapter 717.

(5) Proceedings regarding surplus funds in a foreclosure case do not in any manner affect or cloud the title of the purchaser at the foreclosure sale of the property.

Credits

Added by Laws 2006, c. 2006-175, § 2, eff. July 1, 2006. Amended by Laws 2007, c. 2007-106, § 1, eff. July 1, 2007.

Notes of Decisions (13)

West's F. S. A. § 45.032, FL ST § 45.032

Current through the 2017 First Regular Session and Special "A" Session of the 25th Legislature

End of Document

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IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

CASE NO. 2014 CA 002512

DIANNE D. GLENVILLE A/K/A DIANE
D. GLENVILLE A/K/A DIANNE GLENVILLE,
ET AL.,

Defendants.

OWNER'S VERIFIED CLAIM FOR MORTGAGE FORECLOSURE SURPLUS

DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE
GLENVILLE and MARK S. GLENVILLE by and through their undersigned
counsel, hereby file their verified claim for surplus funds
generated by the foreclosure sale held in this cause on July 2,
2015.

1. DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE
GLENVILLE and MARK S. GLENVILLE were owners of the property that
was the subject of the above styled foreclosure action prior to
the foreclosure sale and as of the date of the filing of the lis
pendens. The legal description of the property is as follows:

Lot 13, Block B, Fairfax, Phase Two, According to the
map or plat thereof, as recorded in Plat Book 25,
Page(s) 48 through 53 of the Public Records of Manatee
County, Florida.

2. To the best of our knowledge and belief, the only
subordinate lienholder to file a claim to the surplus funds is

Florida Housing Finance Corporation in the amount of \$20,573.64.
We admit that Florida Housing Finance Corporation is entitled to payment of the claimed amount.

3. To the best of our knowledge and belief there are no outstanding liens for an unpaid judgment, tax warrant, condominium lien, cooperative lien, or homeowners' association lien.

4. We are not currently in bankruptcy.

5. We have not sold or assigned our right to the mortgage surplus.

WHEREFORE, Defendants, **DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE** and **MARK S. GLENVILLE** seek an order disbursing the surplus funds in the amount of \$90,971.77 as follows:

\$20,573.64 to Florida Housing Finance Corporation

\$70,398.13 to The Edwards Law Firm, PL Trust Account

and for such other relief as the Court deems proper.

State of Florida
County of

Under penalties of perjury, **DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE** and **MARK S. GLENVILLE** declare that they have read the foregoing document and that the facts stated in it are true and correct to the best of their knowledge and belief.


Dianne D. Glenville


Mark S. Glenville

Sworn to and subscribed to before me, this 27 day of August, 2015, by ~~Dianne D. Glenville~~ and Mark S. Glenville who are personally known to me or who produced _____ as identification.




Notary Public

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-service to Counsel for Plaintiff, servealaw@albertellilaw.com, ecf@albertellilaw.com, ECF@albertellilaw.com Ashley Elmore Drew, Esq., and Vernon Woodson, Esq., and Autumn N. Hancock, Esq., and Erik Del'etoile, Esq., and Georganna Frantzis, Esq., and Kjell R. Horneland, Esq., Albertelli Law, P.O. Box 23028, Tampa, Florida 33623, Counsel for Defendant Association, SARServiceMail@bplegal.com, Scott K. Petersen, Esq., Becker & Poliakoff, PA, 6230 University Parkway, Suite 204, Sarasota, Florida 34240, Counsel for Florida Housing Finance Corporation, matt.sirmans@floridahousing.org, Matthew Sirmans, Assistant General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, and Counsel for Defendant, tsmith@sirote.com, The Bank of New York Mellon, Anthony R. Smith, Esquire, of Sirote & Permutt PC, 1115 East Gonzalez, Street, Pensacola, FL 32503, on September 1, 2015.

THE EDWARDS LAW FIRM, PL
500 S. Washington Blvd, Ste. 400
Sarasota, Florida 34236
Telephone: (941) 363-0110
Facsimile: (941) 952-9111
Attorneys for Defendant GLENVILLE

By: /s/ Sheryl A. Edwards
Sheryl A. Edwards
Florida Bar No. 0057495
sedwards@edwards-lawfirm.com

FLORIDA SHORT-FORM INDIVIDUAL ACKNOWLEDGMENT FS 693.25

State of Florida

County of MANATEE

The foregoing instrument was acknowledged before

me this 22nd day of August, 2018

Year

by DARRE DAVE GLENNIE
Name of Person Acknowledging

who is personally known to me or who has produced

DRIVERS LICENSE

Type of Identification

as identification.



CONSTANCE REMPE
MY COMMISSION # FF 130122
EXPIRES: October 5, 2018
Bonded Thru Budget Notary Services

Constance Rempe, Notary Public
Signature of Notary Public

Constance Rempe
Name of Notary Typed, Printed or Stamped

Commission No. FF130122

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

CASE NO. 2014 CA 002512

DIANNE D. GLENVILLE A/K/A DIANE
D. GLENVILLE A/K/A DIANNE GLENVILLE,
ET AL.,

Defendants.

OWNER'S RESPONSE TO BONY'S MOTION TO DISTRIBUTE EXCESS FUNDS

DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE and MARK S. GLENVILLE by and through their undersigned counsel, hereby file their response to the Motion Directing Clerk fo Distribute Excess Funds filed by The Bank of New York, as Successor Trustee ("BONY") on September 2, 2015 and state as follows:

1. On July 2, 2015, the Clerk of Court held a foreclosure sale in the referenced matter on property owned by Defendants, DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE and MARK S. GLENVILLE. See Final Judgment of Foreclosure attached as **Exhibit A** and Foreclosure Bid Log

The Edwards Law Firm, PL
500 S. Washington Boulevard, Suite 400
Sarasota, Florida 34236
Tel. (941) 363-0110
Page 1

attached as **Exhibit B.**

2. After disbursement of all funds to the Plaintiff (including a second disbursement ordered by the Court on September 17, 2015), the sum of \$90,564.93 in surplus funds remains in the registry of the court.

3. Pursuant to Section 45.031, *Florida Statutes*, all claims to surplus funds after foreclosure sale are to be disbursed to the property owner(s) unless a subordinate lienholder files a claim to the surplus funds **NO LATER THAN 60 DAYS AFTER THE SALE.** Since the foreclosure sale was held on July 2, 2015, the deadline for subordinate lienholders to file a claim to the surplus funds was August 31, 2015. **See Exhibit C.**

4. On August 4, 2015, (the 33rd day after the foreclosure sale) Florida Housing Finance Corporation ("Florida Housing") filed a Motion Directing the Clerk to Distribute Excess Funds to Florida Housing as a subordinate lienholder. The amount of Florida Housing's claim is \$20,573.64. Defendants, **DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE** and **MARK S. GLENVILLE** admit that Florida Housing's claim was filed timely and admit that Florida Housing is entitled to payment of

the claimed amount.

5. On September 2, 2015 (the 62nd day after the foreclosure sale) BONY filed its claim for surplus funds. Defendants, **DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE** and **MARK S. GLENVILLE** deny that BONY's claim was filed timely and deny that BONY is entitled to payment of the claimed amount.

Argument

The authority on a party's entitlement to surplus funds is unwavering - if a subordinate lienholder fails to file a claim to surplus funds within 60 days of the foreclosure sale, that party is not entitled to surplus funds. See **Dever v. Wells Fargo Bank, N.A.**, 147 So. 2d 1045 (Fla. 2nd DCA 2014); **Matthews v. Branch Banking & Trust Co.**, 139 So. 2d 498 (Fla. 2nd DCA 2014) (holding that the clear and unambiguous language of **Section 45.031** requires a person claiming a right to surplus funds to file a claim within 60 days of the foreclosure sale and if it does not, it is not entitled to ANY of the remaining funds). A claim to surplus funds in a party's answer is not sufficient. **Id.**

Failure to file within this 60-day period is an absolute bar to a claim for surplus, even if the subordinate lienholder failed to receive a copy of the final judgment of foreclosure or a

certificate of disbursements because a party receives actual notice of the date of the foreclosure sale by receipt of a copy of the Final Judgment and receives constructive notice of the foreclosure sale date by posing of pleadings on the court docket.

Saulnier v. Bank of America, 2015 WL 1334317 (Fla. 4th DCA March 15, 2015). Failure to file within this 60-day period is also absolute bar even if the homeowner's claim to the surplus funds failed to acknowledge the existence of the subordinate lienholder. *Id.*

Because BONY failed to file its claim within 60-day period set forth by Section 45.031, it is not entitled to any portion of the surplus funds.

WHEREFORE, Defendants, **DIANNE D. GLENVILLE a/k/a DIANE D. GLENVILLE a/k/a DIANNE GLENVILLE** and **MARK S. GLENVILLE** seek an order disbursing the surplus funds in the amount of \$90,564.93 as follows:

\$20,573.64 to Florida Housing Finance Corporation

\$69,991.29 to The Edwards Law Firm, PL Trust Account

and for such other relief as the Court deems proper.

The Edwards Law Firm, PL
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Page 4

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via e-service to Counsel for Plaintiff, servealaw@albertellilaw.com, ecf@albertellilaw.com, ECF@albertellilaw.com Ashley Elmore Drew, Esq., and Vernon Woodson, Esq., and Autumn N. Hancock, Esq., and Erik Del'etoile, Esq., and Georganna Frantzis, Esq., and Kjell R. Horneland, Esq., Albertelli Law, P.O. Box 23028, Tampa, Florida 33623, Counsel for Defendant Association, SARServiceMail@bplegal.com, Scott K. Petersen, Esq., Becker & Poliakoff, PA, 6230 University Parkway, Suite 204, Sarasota, Florida 34240, Counsel for Florida Housing Finance Corporation, matt.sirmans@floridahousing.org, Matthew Sirmans, Assistant General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, and Counsel for Defendant, tsmith@sirote.com, The Bank of New York Mellon, Anthony R. Smith, Esquire, of Sirote & Permutt PC, 1115 East Gonzalez, Street, Pensacola, FL 32503, on October 27, 2015.

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Attorneys for Defendants GLENNVILLE

By: /s/ Sheryl A. Edwards
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Page 5

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE, FLORIDA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

v.

CASE NO. 2014 CA 002512
DIVISION D

DIANNE D. GLENVILLE A/K/A DIANE D.
GLENVILLE A/K/A DIANNE GLENVILLE;
MARK S. GLENVILLE A/K/A MARK GLENVILLE, et al,

Defendants.

NOTICE OF HEARING

(JACS confirmation #772281)

YOU ARE HEREBY NOTIFIED that hearing time in the above styled action
has been scheduled as follows:

ISSUE: Owners' Verified Claim for Mortgage Foreclosure Surplus

JUDGE: Judge John F. Lakin

PLACE: Manatee County Courthouse
1051 Manatee Avenue, Courtroom 3A
Bradenton, Florida 34206

DATE: November 2, 2015

TIME: 3:30pm (30 minutes)

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished via e-service to Counsel for Plaintiff,
servealaw@albertellilaw.com, ecf@albertellilaw.com,
ECF@albertellilaw.com Ashley Elmore Drew, Esq., and Vernon Woodson,
Esq., and Autumn N. Hancock, Esq., and Erik Del'etoile, Esq., and
Georganna Frantzis, Esq., and Kjell R. Horneland, Esq., Albertelli
Law, P.O. Box 23028, Tampa, Florida 33623, Counsel for Defendant
Association, SARServiceMail@bplegal.com, Scott K. Petersen, Esq.,
Becker & Poliakoff, PA, 6230 University Parkway, Suite 204,
Sarasota, Florida 34240, Counsel for Florida Housing Finance
Corporation, matt.sirmans@floridahousing.org, Matthew Sirmans,
Assistant General Counsel, 227 North Bronough Street, Suite 5000,
Tallahassee, Florida 32301, and Counsel for Defendant, The Bank of

New York Mellon, tsmith@sirote.com Anthony R. Smith, Esquire, of Sirote & Permutt PC, 1115 East Gonzalez, Street, Pensacola, FL 32503, and via US Mail to Mark S. Glenville, 4521 Dover St. Circle E., Bradenton FL 34203 on September 3rd, 2015.

THE EDWARDS LAW FIRM PL
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Attorneys for Defendants
sedwards@edwards-lawfirm.com

By: s/Sheryl A. Edwards
Sheryl A. Edwards
Florida Bar No. 0057495

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA**

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, Plaintiff, v. DIANNE D. GLENVILLE A/K/A DIANE D. GLENVILLE A/K/A DIANNE GLENVILLE; MARK S. GLENVILLE A/K/A MARK GLENVILLE, et al., Defendants.	CASE NO.: 41 2014CA002512AX
--	------------------------------------

CROSS-NOTICE OF HEARING

PLEASE TAKE NOTICE that on the 2nd day of November, 2015, at 3:30 p.m. EST, or as soon thereafter as counsel can be heard, the undersigned will bring on to be heard before the Honorable Judge John F. Lakin of the above style Court, the following:

MOTION: Defendant's Motion Directing Clerk to Distribute Excess Funds

PLACE: Manatee County Courthouse
1051 Manatee Avenue
Courtroom 3A
Bradenton, FL 34206

Please govern yourself accordingly.

I hereby certify that the issues before the court may be heard and resolved by the court within five (5) minutes.

AMERICANS WITH DISABILITIES ACT. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Manatee County Jury Office, P.O. Box 25400,

Bradenton, Florida 34206, (941)741-4062, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.

Dated this 11th day of September, 2015.

SIROTE & PERMUTT, P.C.

/s/ Kendra J. Leary

Anthony R. Smith, Esq.

FL Bar #157147

Kendra J. Leary, Esq.

FL Bar #108896

Jason L. Duggar, Esq.

FL Bar #83813

Attorneys for Defendant The Bank of New York

OF COUNSEL:

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Facsimile: (850) 462-1599

Toll Free: (800) 826-1699

Pursuant to Florida Rule of Judicial Administration 2.516 (effective September 1, 2012), Anthony R. Smith, Kendra J. Leary and Jason L. Duggar hereby designate their Primary and Secondary email addresses for the purposes of service of all documents required to be served pursuant to Rule 2.516 as follows: Primary: tsmith@sirote.com; kleary@sirote.com; jduggar@sirote.com; Secondary: floridaservice@sirote.com.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been forwarded to the following, by regular U.S. Mail or email where appropriate, on this 11th day of September, 2015.

Sheryl A. Edwards, Esq.
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500 S. Washington Boulevard, Suite 400
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/s/ Kendra J. Leary
Of Counsel