

**IN THE CIRCUIT COURT OF THE 2ND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

LIAR LOAN SERVICING LLC,

Plaintiff,

vs.

CASE NO: 08-12345

JOHNE DOE,
JANE DOE

Defendants.

**AFFIDAVIT IN OPPOSITION TO PLAINTIFF MOTION FOR FINAL
SUMMARY JUDGMENT**

JOHN DOE and JANE DOE, being duly sworn, depose and say:

1. On the face of the Complaint, Defendants entered into a mortgage with JACKASS MORTGAGE COMPANY, which is a Limited Liabilities Company organized under the laws of the State of New York.
2. Defendant did not enter into any transaction with Plaintiff.
3. No assignment of the note and mortgage has been pleaded in this case and no assignment has been recorded in Leon County, Florida, to the best of Defendants' knowledge.
4. Plaintiff, LIAR LOAN SERVICING LLC, is not the real party in interest in this case

and is not shown to be authorized to bring this foreclosure action.

- 5. It is not sufficient to plead merely that the loan was “assigned.” See: *Jeff-Ray Corp. v. Jacobson*, 566 So.2d 885 (Fla. 4th DCA 1990); see also, *Progressive Express Ins. co. v. McGrath Comm. Chiro.* 913 So.2d 1281 (Fla. 2d DCA 2005).
- 6. “Only those who have standing to be heard in the judicial proceeding may participate in it.” *Byrom v. Gallagher*, 578 So. 2d 715, 717 (Fla. 5th DCA 1991)

The foregoing issues of fact require this Court to deny Plaintiff’s motion for final summary judgment in its entirety.

WHEREFORE, Defendants, JOHN and JANE DOE, request that, this Court denies Plaintiff’s Motion for Final Summary Judgment in its entirety and such other relief that may be appropriate.

FURTHER AFFIANT SAYETH NOT.

JOHN DOE
JANE DOE

SWORN TO AND SUBSCRIBED, before me the undersigned authority, this
 _____ day of _____, 2009, by _____, whom I identified by
 means of _____.

Notary Public

My commission expires:

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was sent on July _____, 2009 via

U.S. Mail to:

BABA THE SCUMBAG
Thiefs & Robbers Law Group
99 Hell Street
Anytown, FL 31234
(555) 360-9023

JOHN & JANE DOE
12345 Main Street
Anytown, FL 32345
Defendants

FORECLOSUREPROSE.COM