

IN THE CIRCUIT COURT FOR THE THIRTEEN JUDICIAL CIRCUIT,  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

ROBERT T. WILHITE and SARAH  
B. WILHITE,  
Plaintiffs,

Case No.

Division:

vs.

BANK OF AMERICA CORPORATION,  
as successor in interest to Citizens and  
Southern National Bank of Florida,  
Defendant.

08:00  
12:00 AM  
HILLSBOROUGH COUNTY, FL  
CIVIL  
DIVISION  
-2 PM 2:04  
FILED  
CIRCUIT COURT

COMPLAINT TO QUIET TITLE

COMES NOW, the Plaintiffs, ROBERT T. WILHITE and SARAH B. WILHITE (hereinafter "the Wilhites"), and hereby sue the Defendant, BANK OF AMERICA CORPORATION and allege:

1. This is an action to quiet title to real property owned by the Wilhites in fee simple and located at 144 Chippewa Avenue, Tampa, Hillsborough County, Florida, and more fully described as follows:

The Southerly ½ of Lot 27, all of Lot 28 and the Northerly ½ of Lot 29 in Block 15 of DAVIS ISLAND SOUTH PARK SECTION, as per map or plat thereof as recorded in Plat Book 10, Page 54 of the Public Records of Hillsborough County, Florida.

2. Plaintiffs' title to the above-described property is derived from the Warranty Deed from Rodney K. Chambers and Sharon S. Chambers, husband and wife to the Plaintiffs, recorded at O.R.3990, pg. 629, Public Records of Hillsborough County, Florida. A copy of said Warranty Deed is attached as Exhibit "A".

3. Plaintiffs reside at 144 Chippewa Avenue, Tampa, Hillsborough County, Florida.

4. Defendant is a national banking corporation that does business in the state of Florida, with its principal place of business at 100 North Tryon Street, Charlotte, North Carolina 28255.

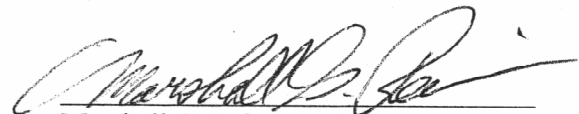
5. Defendant is a successor-in-interest to Citizens and Southern National Bank of Florida which recorded a Mortgage against the above-referenced property of the Plaintiffs, recorded at O.R.5322, pg. 009, Public Records of Hillsborough County, Florida, recorded on January 27, 1988. A copy of said Mortgage is attached as Exhibit "B".

6. The Mortgage is invalid and unenforceable in that it became fully matured on January 25, 2003, and statute of limitation for the enforcement thereof has expired pursuant to Florida Statute 95.281(1)(a).

7. The Mortgage remains unsatisfied of record and constitutes a cloud on Plaintiffs' title to the property.

WHEREFORE, the Plaintiffs request this Honorable Court to enter its judgment against Defendant declaring the Mortgage recorded at O.R.5322, pg. 009, null and void; cancelling the Mortgage of record; quieting title to the property owned by Plaintiffs and against Defendant and all persons claiming under Defendants; and granting costs of this action and such other relief as the Court may deem proper.

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