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A P P E A R A N C E S

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On behalf of the Plaintiff

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On behalf of the Defendants

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1 P R O C E E D I N G S

2 THE COURT: Wells Fargo versus Joel Mabry and
3 Rhonda Perryman-Mabry and others. There is an attorney
4 present representing somebody, I guess, that's not Wells
5 Fargo, so if you'll identify yourself, Mr. Osborne.

6 MR. Osborne: Yes, Your Honor. David Osborne
7 for the Florida Default Law Group on behalf of the
8 Wells Fargo Bank.

9 THE COURT: And present in the court are?

10 MR. BRADSHAW: Donald Bradshaw, Your Honor,
11 present representing Joel Mabry and -- I forgot his
12 wife's name, Rhonda Mabry.

13 THE COURT: Okay. We're here on your motion
14 for summary judgment, Mr. Osborne. Did you receive
15 a copy of the motion in opposition?

16 MR. Osborne: Your Honor, I received a copy
17 about five minutes ago. I'm trying to read it. I
18 haven't been able to read -- I've only got through
19 the first two pages, because it was sent so late to
20 my office.

21 THE COURT: I'll give you a few minutes,
22 because I don't have another hearing till 1:15 -- I
23 mean, 1:45, so I'm not going to give you a lot more
24 minutes. I just received it myself.

25 MR. Osborne: Yes, Your Honor. Essentially,

1 it's -- I'm not going to challenge that -- the case
2 law. I assume counsel has correctly has presented
3 these holdings and law as accurate. I was able to
4 very, very briefly skim through, but only just now
5 more closely read this. It appears that our
6 affidavits will be -- will need to be up dated, and
7 so we will be rescheduling this hearing to conform
8 with appellate case law in Florida.

9 THE COURT: Okay. I'm just making some notes
10 here.

11 So are you canceling the hearing at this
12 time? What do you --

13 MR Osborne: Yes, Your Honor. It appears
14 that there are -- the plaintiff cannot -- it
15 appears -- I'm sorry. Let me rephrase, Your Honor.

16 Because we have not attached the business
17 records to these affidavits of the amounts due and
18 owing, I believe that defense has raised at least a
19 reasonable argument as to why this should not go
20 forward.

21 Your Honor, I would like to address the
22 motion to strike or I imagine that there will be a
23 hearing for the motion to mediation. The plaintiff
24 would like to go -- would like to speed up this
25 process as soon as possible, so we can get a

1 hearing on this quickly, or resolve these matters
2 today, so that the plaintiff can proceed in this
3 case to reschedule for a time as soon as possible
4 from now.

5 THE COURT: Okay. So based on your
6 representations, the Court is going to deny the
7 motion for summary judgment. And, Mr. Bradshaw, if
8 you'll submit a proposed order.

9 MR. BRADSHAW: Yes, Your Honor.

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1 C E R T I F I C A T E

2 STATE OF FLORIDA }

3 COUNTY OF MARION }

4 I, JENNIFER LITTLE, Court Reporter and Notary
5 Public, hereby certify that I was authorized to and did
6 stenographically report the foregoing proceedings in the
7 above-styled cause before the HONORABLE FRANCES S. KING;
8 and that the transcript excerpt, pages 3 through 5, is a
9 true record of the foregoing proceedings.

10 I further certify that I am not a relative,
11 employee, attorney, or counsel of any of the parties, nor
12 am I a relative or employee of any of the parties'
13 attorney or counsel connected with the action, nor am I
14 financially interested in the action.

15 Dated this 15th day of April, 2010.

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JENNIFER LITTLE

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