

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

EDWIN CUEVAS and MILAGROS
GONGORA,

Plaintiffs,

v.

Case No: 6:13-cv-147-Orl-36DAB

SUNTRUST MORTGAGE, INC., ANY
AND ALL UNKNOWN PARTIES
CLAIMING BY THROUGH UNDER AND
AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANT(S) WHO
ARE NOT KNOWN TO BE DEAD OR
ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST
AS and DEVISEES, GRANTEES, OR
OTHER CLAIMANTS ET AL,

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge David A. Baker on March 20, 2013 (Doc. 15). In the Report and Recommendation, Judge Baker recommends that the Court deny *pro se* Plaintiffs Edwin Cuevas and Milagros Gongora's (collectively, "Plaintiffs") Motion to Remand (Doc. 7). Doc. 15, p. 4. No party has objected to the Report and Recommendation and the time to do so has expired.

The Court agrees with the Magistrate Judge that the parties are of diverse citizenship and that the amount in controversy is satisfied by the mortgage balance, which Defendant SunTrust Mortgage, Inc. ("SunTrust") affirms is \$255,000¹, and the value of the property. *See* Doc. 13. The Mortgage at issue, which was attached to Plaintiffs' Complaint (Doc. 2) states that Plaintiffs

¹ Also, around the time of execution of the Mortgage, SunTrust obtained an appraisal dated February 25, 2008 which valued the property at \$330,000. *See* Doc. 13-Ex. 5.

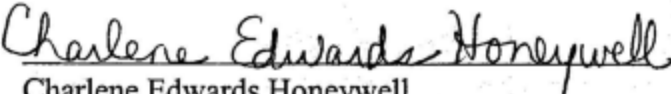
owe the Lender \$255,000 plus interest.² Doc. 1-Ex. 2; *see Property Choice Group, Inc. v. LaSalle Bank Nat. Assn.*, 2012 WL 2568138, *1 (M.D. Fla. 2012). Accordingly, the Court agrees with the Magistrate Judge that Plaintiffs' Motion to Remand should be denied.

Therefore, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 15) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Plaintiffs Edwin Cuevas and Milagros Gongora's Motion to Remand (Doc. 7) is **DENIED**.

DONE and ORDERED in Orlando, Florida on April 9, 2013.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties
U.S. Magistrate Judge David A. Baker

² *Williams v. Best Buy Co., Inc.*, 269 F.3d 1316, 1319 (11th Cir. 2001) (court should look to notice of removal and other evidence relevant to the amount in controversy if the jurisdictional amount is not facially apparent from the complaint); Fed. R. Civ. P. 10(c).