

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WACHOVIA MORTGAGE, FSB,

Plaintiff,

v.

Case No: 6:13-cv-1750-Orl-36DAB

**KELLY K. BROWN, THE UNKNOWN
SPOUSE OF KELLY K. BROWN,
JAMIE A. BROWN, LAKE GRIFFIN
ESTATES HOMEOWNERS
ASSOCIATION, INC., SUNTRUST
BANK, 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, TENANT #1, TENANT
#2, TENANT#3, TENANT #4 and
SARAH K. LOVEJOY-STORY,**

Defendants.

ORDER

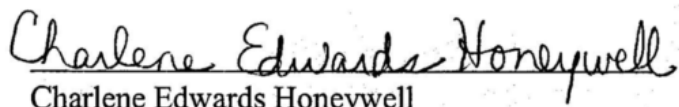
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge David A. Baker on February 25, 2014 (Doc. 26). Magistrate Judge Baker recommends that this case be remanded to state court for lack of subject matter jurisdiction over the foreclosure action and Defendant Brown's untimely, deficient second Notice of Removal. The Magistrate further recommends that Plaintiff be awarded attorney's fees and costs of \$1,500 pursuant to 28 U.S.C § 1447 (c) because there was no objectively reasonable basis for Defendant Brown's second Notice of Removal. Neither party has objected to the Report and Recommendation and the time to do so has expired.

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. The Court agrees that Defendant Brown improvidently removed this case from state court.

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

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 26) is **ADOPTED**, **CONFIRMED**, and **APPROVED** in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) The Motion to Remand and for Imposition of Attorneys' Fees and Costs (Doc. 15) is **GRANTED**.
- (3) Plaintiff is awarded attorneys' fees and costs in the amount of \$1,500, because there was no objectively reasonable basis for Defendant Brown's second Notice of Removal. Defendant Brown shall pay \$1,500 to Plaintiff Wachovia Mortgage, FSB, by April 18, 2014.
- (4) This matter is **remanded** to the Eighteenth Judicial Circuit in and for Seminole County, Florida.
- (5) The Clerk is directed to transmit a certified copy of this Order to the Clerk of the Eighteenth Judicial Circuit in and for Seminole County, Florida. The Clerk is further directed to terminate any pending motions and close this case.

DONE and **ORDERED** at Orlando, Florida on March 18, 2014.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record

U.S. Magistrate Judge David A. Baker