

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA**

WELLS FARGO BANK, N.A.

Plaintiff,

CASE NO. 2009-32654-CICI
DIVISION 31

vs.

FRANK CIPOLLA, et.al.

Defendants.

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS
AND GRANTING MOTION FOR MORE DEFINITE STATEMENT**

This cause having come before the court on May 4, 2010 on Defendant's Motion to Dismiss Plaintiff's Complaint and the Court having reviewed the pleadings, heard argument of counsel, reviewed the case law provided by defense counsel and being otherwise fully informed in the premises, finds as follows:

1. Defendants seek dismissal of the complaint, or in the alternative, a Motion for More Definite Statement.
2. This court believes that the concerns raised by Defendants may be adequately resolved by a more definite statement specifically identifying the basis for the Plaintiff's claim that it owns and holds the note at issue in this case.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Dismiss is DENIED. Defendant is granted twenty (20) days from the date of this Order to file an Answer to Plaintiff's Complaint. It is further

ORDERED AND ADJUDGED that no later than fifteen (15) days from the date of this Order the Plaintiff shall file a More Definite Statement of the basis for its allegation that it owns and holds the note at issue in this cause of action. This statement will specifically identify the documents, if any, and the facts upon which Plaintiff relies to establish that it owns and/or holds the note.

DONE AND ORDERED THIS 7 day of June, 2010 at Daytona Beach, Volusia County, Florida.

**Sandra Taylor
Senior Circuit Judge**

SANDRA TAYLOR
Senior Circuit Judge

Copies: Daniel P. Rock, Esq.
William H. Ruby, III, Esq.

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