

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

AVP ALPHA POOL, LLC,
a Florida limited liability company,

CIVIL DIVISION

Plaintiff,

CASE NO.: CACE 10-042056

vs.

ANGELIQUE HONORE, et, al.,

Defendants.

**MOTION TO VACATE AND RE-ENTER
SUBSTITUTION OF PARTY PLAINTIFF ORDER**

Plaintiff, AVP ALPHA POOL, LLC, by and through undersigned counsel, hereby files this Motion to Vacate and Re-enter Substitution of Party Plaintiff Order, states as follows:

1. The Law Offices of Daniel C. Consuegra, filed an ex-parte Motion For Substitution of Party Plaintiff on behalf of the Plaintiff.

2. Plaintiff's ex-parte Order was granted and filed on November 16, 2011.

3. At a hearing held on May 10, 2012 in this matter, Plaintiff's attorney, Candice N. Carr, Esq. was advised by this Honorable Court that since said substitution was done ex-parte and this Honorable Court does not allow ex-parte party substitutions the same must be vacated, a Motion filed and a Hearing set on the matter.

4. **AVP Alpha Pool, LLC**, by and through its undersigned attorney, does hereby move this Honorable Court pursuant to F.R.C.P. 1.260(c) to substitute the Party Plaintiff and to amend Plaintiff's name in the instant foreclosure action and would show as grounds therefore as follows:

5. That a Complaint to foreclose a mortgage was filed in the above cause and the name of the Plaintiff has changed.

6. That a transfer of interest has been made to **AVP Alpha Pool, LLC**.

7. That **AVP Alpha Pool, LLC** should be substituted as the Plaintiff in the instant action as a

transfer of interest has occurred from Plaintiff, **Arch Bay Holdings, LLC, Series 2010B** pursuant to F.R.Civ.P. 1.260(c).

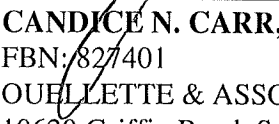
8. That **AVP Alpha Pool, LLC** is the real party in interest in the instant action by virtue of an Assignment of Mortgage. See a copy of the Assignment of Mortgage attached hereto.

9. That no party in interest to this action shall be prejudiced by such corrective measure taken.

WHEREFORE, Plaintiff, AVP ALPHA POOL, LLC, respectfully requests this Court to enter an Order Vacating the ex-parte Order granted on November 16, 2011 and re-enter Substitution of Party Plaintiff Order showing the Plaintiff's corporate name in the instant action, as follows; **AVP Alpha Pool, LLC**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via US Mail on this 18 day of May, 2012, to address shown on the attached service list.



CANDICE N. CARR, ESQ.
FBN: 827401
OUELLETTE & ASSOCIATES, LLC
10620 Griffin Road, Suite 207
Cooper City, FL 33328
(954) 727-3347 Phone
(954) 495-4950 Fax

SERVICE LIST

CASE NO.: CACE 10-042056

William Chennault, Esquire
Chennault Attorneys & Counselors at Law,
P.O. Box 1097, Ft. Lauderdale, FL 33302

Korte & Wortman, P.A.
2041 Vista Parkway, Suite 102
West Palm Beach, FL 33411

Mortgage Electronic Registration Systems
As Nominee for WMC Mortgage Corp.
% Electronic Data Systems, LLC
1901 E. Voorhees Street, Suite C
Danville, IL 61834

Unknown Tenant #1 n/k/a
Widline Honore
4481 NW 43rd Street
Lauderdale Lakes, FL 33319

Unknown Tenant #2 n/k/a
Gelande Honore
4481 NW 43rd Street
Lauderdale Lakes, FL 33319