

IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA
CIVIL DIVISION

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

Case No. 53-2008-CA-009216

Division: 07

WILLIAM S. CARSON, SR., et al.,

Defendant(s).

ORDER ON NON-JURY TRIAL

This residential non-homestead mortgage foreclosure action was tried before the Court on January 30, 2017 and April 5, 2017, and the Court, having considered the testimony, the credibility of the witnesses, documentary evidence, the arguments of the parties, and relevant Florida and Federal law, it is hereby:

ORDERED, ADJUDGED AND DECREED:

1. Plaintiff Wells Fargo Bank, N.A., proved its *prima facie* case of foreclosure through the evidence admitted at trial, including the original note endorsed in blank, Wells Fargo's business records, the testimony of Wells Fargo's representative, and the testimony of *pro se* Defendant William S. Carson.

2. The Court further finds that *pro se* Defendant William S. Carson failed to meet his burden of proof on any of his affirmative defenses both because of a failure to introduce competent, substantial evidence in support of the defenses and because his inconsistent and sometimes contradictory testimony lacked credibility.

3. The only other Defendant, Sylvia Carson, died while this case was pending, on or about August 19, 2015, and the Court subsequently determined in a December 16, 2015 Order that Defendant Sylvia Carson and *pro se* Defendant William S. Carson had owned the subject property as tenants by the entireties, that the subject property had passed to him upon her death, and that, as a result, was not an asset of Defendant Sylvia Carson's estate.

4. Accordingly, Final Judgment will be entered in favor of Wells Fargo Bank, N.A. and against *pro se* Defendant William S. Carson. The Court will, concurrently, enter a Uniform Final Judgment of Foreclosure in the form mandated by the Florida Supreme Court for foreclosure actions.

DONE AND ORDERED in chambers, in Bartow, Polk County, Florida on this MAY 11 2017
day of _____, 2017. /s/ Larry Helms

LARRY HELMS, Circuit Judge

Copies to:

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