

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION

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THE BANK OF NEW YORK MELLON, SUCCESSOR IN  
INTEREST TO JPMORGAN CHASE BANK, AS TRUSTEE FOR  
THE REGISTERED HOLDER OF NOVASTAR MORTGAGE  
FUNDING TRUST, SERIES 2006-MTA1, NOVASTAR HOME  
EQUITY LOAN ASSET-BACKED NOTES, SERIES 2006-MTA1

110000-0T

Plaintiff,

Case No.: 50-2010-CA-020578  
Division: AW

v.

MARK ROBSON; GAIL ROBSON; STATE OF FLORIDA;  
SEMINOLE LAKES HOMEOWNER'S ASSOCIATION, INC.;  
UNKNOWN TENANT #1; UNKNOWN TENANT #2; ALL OTHER  
UNKNOWN PARTIES CLAIMING INTERESTS BY, THROUGH,  
UNDER, AND AGAINST A NAMED DEFENDANT(S) WHO ARE  
NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAME  
UNKNOWN PARTIES MAY CLAIM AN INTEREST AS  
SPOUSES, HEIRS, DEVISEES, GRANTEEES, OR OTHER  
CLAIMANTS,

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11 MAR 31 AM 9:26  
COMMISSION  
CLERK

Defendants,

**NOTICE OF FILING**

Plaintiff, THE BANK OF NEW YORK MELLON, SUCCESSOR IN INTEREST TO JPMORGAN  
CHASE BANK, AS TRUSTEE FOR THE REGISTERED HOLDER OF NOVASTAR MORTGAGE FUNDING  
TRUST, SERIES 2006-MTA1, NOVASTAR HOME EQUITY LOAN ASSET-BACKED NOTES, SERIES 2006-  
MTA1, by and through its undersigned counsel, gives Notice of Filing of the following:

1. Affidavit of Indebtedness.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been provided this 29 day of March, 2011 by U.S. Mail to all parties on the attached service list.

**ELIZABETH R. WELLBORN, P.A.**

**ATTORNEY FOR PLAINTIFF**

350 Jim Moran Blvd., Suite 100

Deerfield Beach, Florida 33442

Tel: (954) 354-3544

Fax: (954) 354-3545

By: \_\_\_\_\_

Yashmin Chen-Alexis, Esquire  
Florida Bar Number 0542881

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
RAD \_\_\_\_\_  
SSC \_\_\_\_\_  
ADM 7525-04721  
OPC \_\_\_\_\_  
CLK \_\_\_\_\_

**Elizabeth R. Wellborn, P.A.**

350 Jim Moran Blvd., Suite 100, Deerfield Beach, Florida 33442 (954) 354-3544

DOCUMENT NUMBER-DATE

02109 MAR 31 =

FPSC-COMMISSION CLERK

**Service List for Case Number 50-2010-CA-020578, Division AW**

MARK ROBSON  
399 NE 7TH ST  
BOCA RATON, FL 33432 2719

GAIL ROBSON  
400 S DIXIE HWY STE 300  
BOCA RATON, FL 33432 6023

STATE OF FLORIDA  
C/O EXECUTIVE DIRECTOR, AGENCY CLERK  
2450 SHUMARD OAK BLVD  
TALLAHASSEE, FL 32399

SEMINOLE LAKES HOMEOWNER'S ASSOCIATION, INC.  
C/O MARILYN J. PEREZ-MARTINEZ, ESQ.  
BECKER & POLIAKOFF, P.A.  
BANK OF AMERICA CENTRE  
625 NORTH FLAGLER DRIVE-7<sup>TH</sup> FLOOR  
WEST PALM BEACH, FL 33401

**Elizabeth R. Wellborn, P.A.**  
**350 Jim Moran Blvd., Suite 100, Deerfield Beach, FL 33442 (954) 354-3544**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION

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THE BANK OF NEW YORK MELLON, SUCCESSOR IN  
INTEREST TO JPMORGAN CHASE BANK, AS TRUSTEE  
FOR THE REGISTERED HOLDER OF NOVASTAR  
MORTGAGE FUNDING TRUST, SERIES 2006-MTA1,  
NOVASTAR HOME EQUITY LOAN ASSET-BACKED  
NOTES, SERIES 2006-MTA1

Plaintiff,

Case No.: 50-2010-CA-020578

v.

Division: AW

MARK ROBSON; GAIL ROBSON; STATE OF FLORIDA;  
SEMINOLE LAKES HOMEOWNER'S ASSOCIATION,  
INC.; UNKNOWN TENANT #1; UNKNOWN TENANT #2;  
ALL OTHER UNKNOWN PARTIES CLAIMING  
INTERESTS BY, THROUGH, UNDER, AND AGAINST A  
NAMED DEFENDANT(S) WHO ARE NOT KNOWN TO BE  
DEAD OR ALIVE, WHETHER SAME UNKNOWN  
PARTIES MAY CLAIM AN INTEREST AS SPOUSES,  
HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS,

Defendants,

---

**AMEDNED AFFIDAVIT OF INDEBTEDNESS IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

STATE OF FLORIDA                    )  
  )  
COUNTY OF PALM BEACH            )

Affiant, **Perry Lerner**, hereby deposes and says:

1. I am employed as a Contract Management Coordinator of Ocwen Loan Servicing, LLC ("Ocwen") and am authorized to make this affidavit on behalf of Ocwen. I make this affidavit based on my personal knowledge of the facts contained herein. My personal knowledge is based on my review of the Servicing Records described below.
2. In the regular performance of my job functions at Ocwen, I am familiar with the business records maintained by Ocwen for the purpose of servicing mortgage loans, collecting payments and pursuing any delinquencies (the "Servicing Records"). Ocwen's Servicing Records typically include electronic data compilations and imaged documents pertaining to the loans it services.

3. Based on my training and my general knowledge of the processes by which they are created and maintained, Ocwen's Servicing Records were made at or near the time by, or from information provided by, persons with knowledge of the activity and transactions reflected in such records, and are kept in the ordinary course of the business activity regularly conducted by Ocwen. It is the regular practice of Ocwen's mortgage servicing business to make and update its Servicing Records.

4. Based on my review of Ocwen's Servicing Records, Plaintiff owns Defendant's Note and Mortgage, true and correct copies of which I understand have been previously filed with the Court. Ocwen is responsible for servicing Defendant's delinquent mortgage account as attorney-in-fact for Plaintiff and is authorized to make this affidavit as the servicer for this loan.


5. Attached to this Affidavit is Exhibit "A" which is a true and correct print-out generated from Ocwen's regularly maintained Servicing Records pertaining to Defendant's account. My review of this Servicing Record marked as Exhibit "A" pertaining to Defendant's account reveals that, as of March 12, 2011, together with interest that will accrue through April 13, 2011, Defendant owes Plaintiff sums of money in amounts no less than the following:

a. Unpaid Principal	\$ 251,915.52
b. Deferred Principal	\$ .00
c. Interest (Currently at 4.25%) thru 4/13/11 (Interest Per Diem is \$29.09)	\$ 16,729.37
d. Deferred Interest	\$ .00
e. Suspense	(\$ .00)
f. Escrow Credit	(\$ .00)
g. Escrow Advance(s) (Taxes and/or Insurance)	\$ 9,929.64
h. Pre-Acceleration Late Charges	\$ 153.57
i. Title Report(s)	\$ 375.00
j. Property Inspection Fee(s)	\$ 42.00
k. Property Valuation Fee (s)	\$ 346.00
l. Prior Servicer Fee(s)	\$ 171.00
m. Certified Mail Cost(s)	<u>\$ 12.96</u>
n. Property Preservation/Maintenance Fee(s)	\$ .00
o. Other Fee(s)	<u>\$ .00</u>
<b>TOTAL DUE TO PLAINTIFF:</b>	<b><u>\$ 279,675.06</u></b>

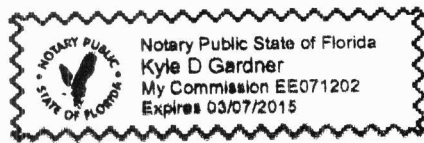
6. The Servicing Records pertaining to Defendant's account further reveal that there has been a default in the Defendant's Note and Mortgage, and that sufficient and certified moneys to cure the default have not been tendered, nor have there been any agreed extensions, modifications or agreements between the parties to delay this foreclosure action.

7. As a result of the default on the loan despite demand, Plaintiff was forced to retain legal counsel to enforce the terms of the Note and Mortgage and has incurred attorney's fees and costs.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
Affiant, **Perry Lerner**  
Contract Management Coordinator

The foregoing instrument was acknowledged and sworn before me this 22 day of MARCH, 2011, by Perry Lerner as a Contract Management Coordinator of Ocwen Loan Servicing, LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification.



  
\_\_\_\_\_  
Notary Public - State of Florida **Kyle Gardner**

My Commission Expires: 03-07-2015

7525-04721

**Affidavit of Debt :**

**Borrower :** Robson,Mar  
**Loan Number :** 71922157  
**Thru Date :** 03/12/2011  
**Payments**  
**Delinquent :** 16  
**Next Due :** 11/01/2009  
**Interest Rate :** 4.75000  
**Principal Balance**  
**:** 251915.52  
**Escrow Bal/Adv :** -9929.64  
**Forbearance**  
**Suspense :** 0.00  
**Misc Suspense**  
**Balance :** 0.00  
**Other Suspense**  
**Balance :** 0.00  
**Accrued Interest :** 15826.51  
**Interest Arrearage**  
**:** 0.00  
**Per Diem Interest**  
**:** 29.14  
**Late Charges :** 153.57  
**Monthly Late**  
**Charges :** 61.74  
**Fee Billing**  
**Balance :** 4764.76  
**Fees and**  
**Expenses :** 4764.76  
**Selected Fees**  
**and Exp :** 4764.76

**Current LC**  
**Calculation**  
**Settings:**

**Late Charge Rate**  
**:** 5.00000  
**Late Charge Fee :** 0.00  
**Late Charge Type**  
**:** PI  
**Late Charge Desc**  
**:** % Of P+I

**Pending Payment Change Records**

Change Date	New Rate	New P+I Amt	New Esc Amt	Total P-I- E
12/01/2010	4.25000	1327.35	163.35	1490.70
11/01/2010	4.25000	1071.96	163.35	1235.31
07/01/2010	4.37500	1071.96	163.35	1235.31

02/01/2010	4.37500	1234.74	163.35	1398.09
01/01/2010	4.50000	1234.74	163.35	1398.09
12/01/2009	4.62500	1234.74	163.35	1398.09
11/01/2009	4.75000	1234.74	163.35	1398.09
10/01/2009	4.87500	1234.74	163.35	1398.09
09/01/2009	5.00000	1234.74	163.35	1398.09
08/01/2009	5.12500	1234.74	163.35	1398.09
07/01/2009	5.25000	1234.74	163.35	1398.09
06/01/2009	5.37500	?	163.35	?
05/01/2009	5.50000	?	163.35	?
04/01/2009	5.62500	?	163.35	?
03/01/2009	5.75000	?	163.35	?
02/01/2009	6.00000	?	163.35	?
01/01/2009	6.25000	?	163.35	?
12/01/2008	6.37500	?	163.35	?
11/01/2008	6.62500	?	163.35	?
09/01/2008	7.00000	?	163.35	?
08/01/2008	7.25000	?	163.35	?
06/01/2008	7.75000	?	163.35	?
05/01/2008	8.00000	?	163.35	?
04/01/2008	8.25000	?	163.35	?
03/01/2008	8.50000	?	163.35	?
02/01/2008	8.62500	?	163.35	?
12/01/2007	8.75000	?	163.35	?

**Computed Daily Interest from**

Due From	Due To	Days	Int Rate	Per Diem	Sub Total
03/01/2011	03/11/2011		4.25000	29.144885	320.59
02/01/2011	02/28/2011		4.25000	29.198175	875.95
01/01/2011	01/31/2011		4.25000	29.251278	877.54
12/01/2010	12/31/2010		4.25000	29.304193	879.13
11/01/2010	11/30/2010		4.25000	29.356921	880.71
10/01/2010	10/31/2010		4.25000	29.379420	881.38
09/01/2010	09/30/2010		4.37500	30.263459	907.90
08/01/2010	08/31/2010		4.37500	30.283323	908.50
07/01/2010	07/31/2010		4.37500	30.303117	909.09
06/01/2010	06/30/2010		4.37500	30.322837	909.69
05/01/2010	05/31/2010		4.37500	30.362196	910.87
04/01/2010	04/30/2010		4.37500	30.401413	912.04
03/01/2010	03/31/2010		4.37500	30.440488	913.21
02/01/2010	02/28/2010		4.37500	30.479421	914.38
01/01/2010	01/31/2010		4.37500	30.518211	915.55
12/01/2009	12/31/2009		4.50000	31.426653	942.80
11/01/2009	11/30/2009		4.62500	32.333626	970.01
10/01/2009	10/31/2009		4.75000	33.238853	997.17

**Advances made on behalf of  
borrower(s)**

Tran Date	Type	Tran Description	Tran Amt
11/16/2010	Tax	31	-2568.09
07/07/2010	Ins	50 Hazard Insurance	-759.00

**Fee and Expense Records**

Eff Date	Description	Auth Amt	Reg Pmt Bal
03/08/2011	Property Valuation Fee - BPO	107.00	107.00
02/01/2011	Property Inspection Fee	10.50	10.50
11/22/2010	Property Inspection Fee	10.50	10.50
11/03/2010	Foreclosure Cost	24.10	24.10
10/20/2010	Title Report Fee	75.00	75.00
09/27/2010	Property Valuation Fee - BPO	132.00	132.00
09/20/2010	Property Inspection Fee	10.50	10.50
09/09/2010	Foreclosure Fee	300.00	300.00
09/09/2010	Foreclosure Cost	631.70	631.70
08/18/2010	Foreclosure Fee	900.00	900.00
08/18/2010	Foreclosure Cost	1962.00	1962.00
08/04/2010	Title Report Fee	300.00	300.00
06/10/2010	Property Valuation Fee - BPO	107.00	107.00
06/08/2010	Certified Mail Cost	6.48	6.48
06/08/2010	Certified Mail Cost	6.48	6.48
05/11/2010	Property Inspection Fee	10.50	10.50
11/01/2009	Prior Servicer Fees	171.00	171.00