

IN THE CIRCUIT COURT OF THE 16th JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA

CITIBANK, N.A. AS INDENTURE TRUSTEE
FOR BSARM 2007-3,

Case No. 44-2009-CA-001063-K

Plaintiff,

v.

**FINAL JUDGMENT IN FAVOR OF
MARTIN OLSAK and JITKA OLSAK**

MARTIN OLSAK, et al.,

Defendants.

THIS CAUSE came before the Court for trial on February 10, 2015, and the Court having reviewed the file, received the evidence, reviewed the parties' post-trial memoranda, and being otherwise fully advised in the premises, hereby FINDS, ORDERS, AND ADJUDGES as follows:

1. The Plaintiff failed to prove, by the preponderance of the evidence as reflected in the transcript of the trial, that it ever acquired any interest in either the Note or the mortgage. The testimony of the Olsaks' expert witness as to the impossibility of any transfer of either the Note or the mortgage to the Plaintiff was un rebutted.

2. The Olsaks' affirmative defenses as to lack of the Plaintiff acquiring an interest in the Note and mortgage and lack of standing were not proven to be legally insufficient and were not rebutted by the preponderance of the evidence. The Olsaks thus prevailed on these affirmative defenses.

3. The Plaintiff never acquired standing to have instituted this action. Accordingly, Final Judgment is thus entered in favor of MARTIN OLSAK and JITKA OLSAK, and Plaintiff shall go hence without day.

4. This Court reserves jurisdiction for the entry of other Orders and Judgments which are just and proper, including but not limited to those for attorneys' fees and costs.

DONE AND ORDERED in Key West, Monroe County, Florida on this 8th day

of April, 2015.



CIRCUIT COURT JUDGE

Conformed copies to:

counsel of record