

IN THE _____ COURT OF _____ *(Name of County)*

STATE OF _____ *(Name of State)*

(Name of Plaintiff)
PLAINTIFF

VS.

CAUSE NO. _____

(Name of Defendant)
DEFENDANT

Motion to Dismiss Foreclosure Action

Comes now _____ *(Name of Defendant)*, Defendant, in the above-captioned cause, who, by and through his attorney moves the Court to dismiss Plaintiff's *(describe pleading such as Complaint for Judicial Foreclosure)* _____, with prejudice, on the following grounds:

(Possible Grounds)

1. The Complaint fails to state a claim against Defendant on which relief can be granted. Neither the original mortgage nor the note with proof of assignment are attached to the Complaint. Simply filing a copy of the original note and mortgage is not sufficient; Plaintiff must produce evidence that it is the original owner or assignee of the original note and mortgage. Plaintiff has not shown that it is the real party in interest.
2. The prosecution of a foreclosure action must be made by the owner and holder of the mortgage and the note. Plaintiff is not entitled to maintain this action in which it seeks to foreclose on a mortgage which Plaintiff has not adequately pled that it owns.
3. Plaintiff _____ *(Name of Plaintiff)* alleges that it owns and holds the subject note and mortgage pursuant to an assignment. There is no exhibit attached to Plaintiff's Complaint support this allegation.
4. Plaintiff's pleadings fail to contain sufficient facts to establish whom the actual Plaintiff is, its relationship to Defendant and to the claim for foreclosure of the subject mortgage. The record fails to sufficiently identify whom the correct plaintiff is and therefore fails to allege facts sufficient to determine the standing of Plaintiff.

Motion To Dismiss

DJ Losen



Motion To Dismiss:

The Top Books of the Year Motion To Dismiss The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels enthralling the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the fascinating narratives that have charmed audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can succeed. Motion To Dismiss : Taylor Jenkins Reid's "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reid's captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Motion To Dismiss : Delia Owens' "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and suspenseful novel that will keep you guessing until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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