

09-08941
COURT OF COMMON PLEAS
2009 OCT 13 P 1:24
CLERK OF COURT
MONTGOMERY COUNTY, OHIO

CASE: 2009 CV 06175
001447431
Dkt: CV006J

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

BAC Home Loans Servicing, L.P.
FKA Countrywide Home Loans
Servicing, L.P.

Plaintiff

-vs-

Dustin S. Wooten, et al.

Defendants

CASE NO. 2009CV06175

JUDGE HALL

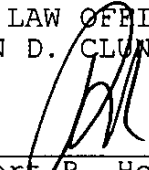
MOTION FOR DEFAULT JUDGMENT

Now comes the Attorney for Plaintiff and says that the Defendants, Dustin S. Wooten and Jane Doe, Unknown Spouse, if any, of Dustin S. Wooten, are in default of an Answer or other pleading although duly served according to law.

WHEREFORE, Plaintiff respectfully makes an application to this Court for a judgment by default, pursuant to Rule 55 of the Ohio Rules of Civil Procedure. Plaintiff's Affidavits in support are attached hereto and incorporated herein.

Respectfully submitted,

THE LAW OFFICES OF
JOHN D. CLUNK CO., L.P.A.

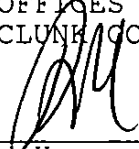

Robert R. Hoose #0074544
Attorney for Plaintiff
4500 Courthouse Blvd.
Suite 400
Stow, OH 44224
(330) 436-0300 - telephone
(330) 436-0301 - facsimile
requests@johndclunk.com

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Default Judgment was mailed by regular U.S. Mail this 7 day of October, 2009, to all parties appearing in this action or their attorneys, as set forth below:

George B. Patricoff, Esq.
Attorney for Defendant,
Treasurer of Montgomery County
5th Floor, 301 West 3rd Street
Dayton, OH 45402

THE LAW OFFICES OF
JOHN D. CLUNK CO., L.P.A.



Robert R. Hoose #0074544
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MONTGOMERY COUNTY, OHIO

BAC Home Loans Servicing, L.P. FKA
Countrywide Home Loans Servicing, L.P.

Plaintiff

-vs-

Dustin S. Wooten, et al.

Defendant(s)

(Case #: 2009CV06175
Case Type: Foreclosure
J Judge: Hall

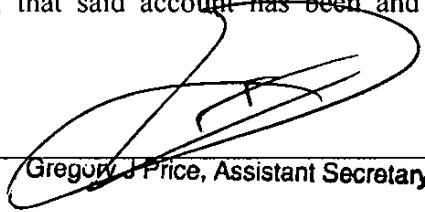
AFFIDAVIT

STATE OF TEXAS)
COLLIN) SS
COUNTY OF _____)

Gregory J Price, being first duly sworn, deposes and says:

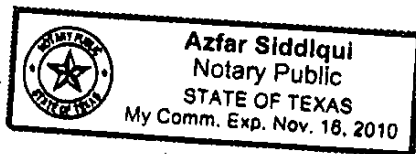
1. That affiant is an employee of BAC Home Loans Servicing, LP, loan servicing agent for Plaintiff, and is duly authorized to make this Affidavit;
2. That Plaintiff is the owner in possession of the promissory note and mortgage, true and accurate copies of which were attached to the Plaintiff's Complaint as Exhibits thereto;
3. Plaintiff further states that it has exercised the option contained in said mortgage note and has accelerated and called due the entire principal balance due thereon;
4. That affiant has examined and has personal knowledge of the loan account of Dustin S. Wooten, Defendant(s) herein; that said account is under affiant's supervision; that there is presently due a principal balance of \$44,708.59 with interest thereon at the rate of 6.875% per annum from March 1, 2009; that said account ~~has been~~ and remains in default;


FURTHER affiant sayeth naught.



Gregory J Price, Assistant Secretary

SWORN TO BEFORE ME and subscribed in my presence this ____ day of
AUG 18 2009, 2009.





NOTARY PUBLIC