

In re FORECLOSURE CASES. Nos. 3:07CV043, et al., 521 F.Supp.2d 650 (2007):

“To show standing, then, in a foreclosure action, the plaintiff must show that it is the holder of the note and the mortgage at the time the complaint was filed.”

Leon Shaffer Golnick Advertising, Inc. v. Cedar, 423 So.2d 1015 (Fla. 4th DCA 1982):

“[An attorney’s] unsworn statements do not establish facts in the absence of stipulation. Trial judges cannot rely upon these unsworn statements as the basis for making factual determinations; and this court cannot so consider them on review of the record. If the advocate wishes to establish a fact, he must provide testimony through witnesses other than himself or a stipulation to which his opponent agrees.”

Figueredo v. Bank Espirito Santo, 537 So.2d 1113 (3DCA Fla.1989):

“The plaintiff failed to produce for admission into evidence the original copy of the promissory instrument as is expressly required by section 90.953(1), Florida Statutes (1987). For this reason, the final judgment of foreclosure is vacated with directions for the trial court to receive the original promissory note in evidence, after which it will be authorized to reconfirm the final judgment of foreclosure and all subject proceedings which occurred thereto. ... The final judgment is vacated and remanded with directions.” *Figueredo v. Bank Espirito Santo*, 537 So.2d 1113 (3rd DCA Fla.1989)

Florida Rules of Evidence 90.953:

“90.953. Admissibility of duplicates

“A duplicate is admissible to the same extent as an original, unless:

“(1) The document or writing is a negotiable instrument defined in s. 673.1041, a security as defined in s. 678.1021, or any other writing that evidences a right to the payment of money, is not itself a security agreement or lease, and is of a type that is transferred by delivery in the ordinary course of business with any necessary endorsement or assignment.

“(2) A genuine question is raised about the authenticity of the original or any other document or writing.

“(3) It is unfair, under the circumstance, to admit the duplicate in lieu of the original.

Florida Statutes 679.3071:

“679.3071 Location of debtor.—

“(8) The United States is located in the District of Columbia.”