

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS CWMBS, INC. CHL
MORTGAGE PASS-THROUGH TRUST 2006-
OA5 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-OA5,

IN THE CIRCUIT COURT, OF THE TWELFTH
JUDICIAL CIRCUIT, IN AND FOR MANATEE
COUNTY, FLORIDA

CASE NO. 07-CA-799-B

Plaintiff,

GENERAL JURISDICTION DIVISION

v.

CYNTHIA JO PAYTON, et. al.,

Defendants;

ORDER

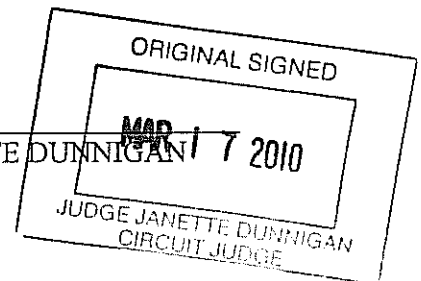
THIS CAUSE having come before the Court upon Defendant The Moorings at Edgewater Condominium Association, Inc. (the "Association")'s Motion for Contempt for Plaintiff's failure to obey this Court's October 9, 2009 Order sanctioning Plaintiff for its failure to obey the Court's May 29, 2009 Order that Plaintiff shall set and have heard its Motion for Summary Judgment on or before June 29, 2009. The Court, after consideration of the pleadings, the evidence introduced at the hearing and the arguments of counsel, finds that Plaintiff and Plaintiff's counsel's actions in this case were contemptuous and that no good cause had been shown why Plaintiff's counsel had failed to appear at prior hearings in this matter in violation of the Twelfth Circuit's Administrative Order 2009-2.1. Further, Plaintiff's counsel's failure to appear in person at the September 24, 2009 hearing when notified in response to the Court's Order to Show Cause was an intentional disruption. The Court finds that Plaintiff's and Plaintiff's counsel's actions were an abuse of the civil process and in fact disrupted the orderly process of the Court. Accordingly, it is hereby:

ORDERED AND ADJUDGED that:

1. Defendant Association's Motion for Contempt is GRANTED.
2. This Court orders Plaintiff and Plaintiff's counsel to pay sanctions in the amount of \$13,394.00.
3. Plaintiff and Plaintiff's counsel shall be jointly liable for payment and it shall be paid within 60 days of the date of this Order.

DONE AND ORDERED in chambers at Bradenton, Manatee County, Florida, this _____ day of _____, 2010.

HONORABLE JANETTE DUNNIGAN



cc: Scott K. Petersen, Esq.
Beth A. Norrow, Esq.
Cynthia Jo Payton
Household Finance Corporation III
Countrywide Home Loans, Inc.
Unknown Tenant n/k/a Janet Ross

ACTIVE: 2698630_1