

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

THE BANK OF NEW YORK MELLON f/k/a  
THE BANK OF NEW YORK, AS SUCCESSOR  
TO JP MORGAN CHASE BANK, N.A., AS TRUSTEE  
FOR THE BENEFIT OF THE CERTIFICATEHOLDERS  
OF POPULAR ABS, INC. MORTGAGE PASS-  
THROUGH CERTIFICATES SERIES 2005-5

Plaintiff,

v.

Case No. 09-25863  
Division K

MARCUS FRANKLIN, MELISSA FRANKLIN, *et. al.*,

Defendants.

\_\_\_\_\_ /

**ORDER GRANTING  
DEFENDANTS' MOTION FOR STAY DUE TO MILITARY STATUS**

THIS CAUSE, having come before the Court on July 8, 2010 on Defendants' Motion for Stay Due to Military Status, and the Court, having reviewed the motion, heard the arguments of counsel, and being duly advised in the premises, it is hereby;

ORDERED AND ADJUDGED as follows:

1. Defendant, MARCUS FRANKLIN, has provided this Court, *in camera*, with documentation of his impending deployment overseas with the United States Air Force.
2. Pursuant to the Servicemembers Civil Relief Act, 50 U.S.C. Sections 501-596, this case be and is hereby STAYED. As the Act provides, the purpose of this stay is to enable MARCUS FRANKLIN to "devote his entire energy to the needs of the Nation," ensuring that his civil rights are not adversely affected by his military status. See Coburn v. Coburn, 412 So. 2d 947 (Fla. 3d DCA 1982).
3. When his deployment ends and he returns to the United States, MARCUS

FRANKLIN shall, through his counsel, so advise this Court via the filing of a written notice, with a copy to opposing counsel. Upon the filing of that notice, the stay shall be lifted and the litigation of the case may resume as normal.

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida on this \_\_\_\_ day of July, 2010.

cc: Barbara Couture, Esq.  
Mark P. Stopa, Esq.

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WILLIAM P. LEVENS  
Circuit Court Judge

**ORIGINAL SIGNED  
CONFORMED COPY**

**JUL 20 2010**

**WILLIAM P. LEVENS  
CIRCUIT JUDGE**