

This Instrument Prepared By:  
CAROL ZIMMERLY  
3501 WEST VINE STREET 512  
KISSIMMEE, FL 34741

When recorded return to:  
Stewart Lender Services/Jo Nguyen  
9700 Bissonnet Suite 1500  
Mail-Stop SLS 1980  
Houston, TX 77036 1273374

Unpaid Mortgage: \$ 72,007.26  
Doc. Stamps Due: \$ \_\_\_\_\_

**DEED IN LIEU OF FORECLOSURE**

State of FLORIDA  
County of BREVARD

KNOW ALL MEN BY THESE PRESENTS, that DIANE VAN LUVEN, A MARRIED WOMAN INDIVIDUALLY, AND AS SUCCESSOR TRUSTEE OF THE DUNCAN FAMILY TRUST, UNDER TRUST DATED MARCH, 11, 2004 AND ROBERT DUNCAN, A MARRIED MAN AND JOHN DUNCAN, A MARRIED MAN IN THEIR INDIVIDUAL CAPACITY whose mailing address is 1905 LANDSIDE DRIVE, VALRICO, FL 33594 hereinafter called grantor, for \$72,007.26

and other good and valuable consideration hereinafter stated, do hereby grant, bargain, sell and convey unto NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY who address is 350 HIGHLAND DRIVE, LEWISVILLE, TX 75067, hereinafter called grantee, and unto grantee's successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in the County of Brevard, State of Florida, to-wit:

A PARCEL OF LAND BEING PART OF LOTS 4, 5, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18 AND 19 BLOCK L OF MORNINGSIDE HEIGHTS, AS RECORDED IN PLAT BOOK 3, PAGE 100, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 19 AND RUN NORTH 09 DEGREES, 22' 40" WEST, ALONG THE EAST LINE OF SAID LOTS 19 AND 4, A DISTANCE OF 170.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 09 DEGREES 22' 40" WEST, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 46.98 FEET; THENCE RUN SOUTH 81 DEGREES 10' 20" WEST, 71.43 FEET TO A POINT ON THE EDGE OF PAVEMENT; THENCE RUN SOUTH 09 DEGREES 38' 27" EAST, ALONG SAID EDGE OF PAVEMENT, A DISTANCE OF 47.67 FEET; THENCE RUN NORTH 80 DEGREES, 37' 20" EAST, 71.21 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 1675 OCEANA DRIVE #16, MERRITT ISLAND, FL 32952

TAX PARCEL IDENTIFICATION NUMBER: 2437736

Subject property is non - homestead of all the said grantors.

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

This deed is absolute in effect and conveys fee simple title of the premises above described to the grantee and does not operate as a mortgage, deed of trust or security of any kind.

This deed does not constitute a merger of the fee ownership and the lien of the mortgage described below. The fee and lien shall hereafter remain separate and distinct.

By acceptance and recording of this deed, grantee covenants and agrees that it shall forever forbear taking any action whatsoever to collect against grantor on the obligations which are secured by the mortgage/deed of trust (referred to herein as "mortgage") described below, other than by foreclosure of that mortgage; and, that in any proceeding to foreclose that mortgage, grantee shall not seek, obtain or permit a deficiency judgment against grantors, their heirs, successors or assigns, such right being hereby waived. This paragraph shall be inapplicable in the event that grantor attempts to have this deed set aside or this deed is determined to transfer less than fee simple title to grantee.

Grantor does hereby assign and transfer to grantee any equity of redemption and statutory rights of redemption concerning the real property and the mortgage described below.

Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under duress, undue influence or misrepresentation of grantee, its agent, attorney or any other person. Grantor declares that this conveyance is freely and fairly made.

Grantor has never intended the real property so conveyed to be the homestead of Grantor. Therefore, consent from the spouse is not necessary for the conveyance.

The true and actual consideration for this transfer consists of \$72,007.26 and grantee's waiver of its right to bring an action against grantor based on the promissory note secured by the mortgage hereinafter described and agreement not to name the grantor as a party to a foreclosure action as stated above with respect to that certain mortgage signed 12/19/2007 by MARJORIE DUNCAN, AS TO A LIFE ESTATE WITH THE REMAINDERMAN in favor of VALUE FINANCIAL MORTGAGE SERVICES, INC. and recorded in Book 5835, Page 9239, real property records of BREVARD County, Florida on 1/3/2008. Said Mortgage was assigned to EVER BANK REVERSE MORTGAGE, LLC. by an assignment recorded in Book 5835 Page 9252 On January 03, 2008. Said Deed of Trust was assigned to CHAMPION MORTGAGE COMPANY, by an assignment dated December 04, 2012 Recorded In Book 6764 Page 1359 On December 26, 2012.

In construing this deed and where the context so requires, the singular includes the plural and the plural includes the singular and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

See Estoppel Affidavit attached as Exhibit "A"

IN WITNESS WHEREOF, the grantor has executed this instrument this 25<sup>th</sup> day of August, 2014

Diane Van Loven  
DIANE VAN LUVEN, INDIVIDUALLY

Diane Van Loven, as successor trustee  
DIANE VAN LUVEN, AS SUCCESSOR  
TRUSTEE OF THE DUNCAN FAMILY TRUST,  
UNDER TRUST DATED MARCH, 11, 2004

John Duncan  
JOHN DUNCAN

Elizabeth A. Duncan  
Witness #1 Signature  
Elizabeth A. Duncan

Elizabeth A. Duncan  
Witness #2/Notary Signature  
Elizabeth A. Duncan

Margaret J. Reinert  
Witness #1 Printed Name Margaret J. Reinert

Margaret J. Reinert  
Witness #2/Notary Printed Name Margaret J. Reinert

STATE OF Florida  
COUNTY OF Brevard

The Foregoing Instrument was acknowledged before me on Aug 25<sup>th</sup> 2014, by DIANE VAN LUVEN, INDIVIDUALLY, AS SUCCESSOR TRUSTEE OF THE DUNCAN FAMILY TRUST, UNDER TRUST DATED MARCH, 11, 2004 AND JOHN DUNCAN, who is/are personally known to me or who has/have produced a valid driver's license as identification.

Margaret J. Reinert  
NOTARY PUBLIC

My Commission Expires: Feb 11, 2018

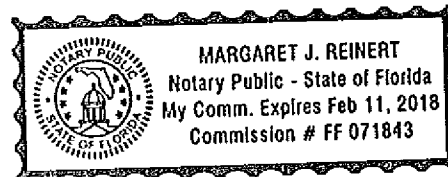


Exhibit A  
ESTOPPEL AFFIDAVIT

STATE OF FLORIDA        )  
                                      ) SS.  
COUNTY OF BREVARD    )

DIANE VAN LUVEN, A MARRIED WOMAN INDIVIDUALLY, AND AS SUCCESSOR TRUSTEE OF THE DUNCAN FAMILY TRUST, UNDER TRUST DATED MARCH, 11, 2004 AND ROBERT DUNCAN, A MARRIED MAN AND JOHN DUNCAN, A MARRIED MAN IN THEIR INDIVIDUAL CAPACITY, being first duly sworn, depose and say: That they/he/she is the identical party who made, executed, and delivered that certain Deed in Lieu of Foreclosure to NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY dated the 25<sup>th</sup> day of August, 2014 conveying the following described property, to-wit:

A PARCEL OF LAND BEING PART OF LOTS 4, 5, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18 AND 19 BLOCK L OF MORNINGSIDE HEIGHTS, AS RECORDED IN PLAT BOOK 3, PAGE 100, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 19 AND RUN NORTH 09 DEGREES, 22' 40" WEST, ALONG THE EAST LINE OF SAID LOTS 19 AND 4, A DISTANCE OF 170.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 09 DEGREES 22' 40" WEST, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 46.98 FEET; THENCE RUN SOUTH 81 DEGREES 10' 20" WEST, 71.43 FEET TO A POINT ON THE EDGE OF PAVEMENT; THENCE RUN SOUTH 09 DEGREES 38' 27" EAST, ALONG SAID EDGE OF PAVEMENT, A DISTANCE OF 47.67 FEET; THENCE RUN NORTH 80 DEGREES, 37' 20" EAST, 71.21 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 1675 OCEANA DRIVE #16, MERRITT ISLAND, FL 32952

TAX PARCEL IDENTIFICATION NUMBER: 2437736

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of affiants as grantors in said deed to convey, and by said deed these affiants did convey to NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY;

That in the execution and delivery of said deed affiants were not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and were not acting under coercion or duress;

That aforesaid deed was not given as a preference against any other creditors of the deponents or either of them; that at the time it was given there was no other person or persons, firms or corporations, other than NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY who have an interest, either directly or indirectly, in said premises; that these deponents are solvent and have no other creditors whose rights would be prejudiced by such conveyance, and that deponents are not obligated upon any bond or mortgage or other security whereby any lien has been created or exists against the premises described in said deed.

That the consideration for said deed was and is payment to affiants of the sum of \$72,007.26 by NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY and NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY's agreement to forbear taking any action against affiants to collect on the obligations secured by the mortgage described below, other than by foreclosure of that mortgage and to not seek, obtain or permit a deficiency judgment against affiants in such foreclosure action. The mortgage referred to herein was executed by MARJORIE DUNCAN, AS TO A LIFE ESTATE WITH THE REMAINDERMAN to VALUE FINANCIAL MORTGAGE SERVICES, INC. dated 12/19/2007 and recorded 1/3/2008 in Book 5835, Page 9239, of Brevard County, State of Florida. Said Mortgage was assigned to EVER BANK REVERSE MORTGAGE, LLC., by an assignment Recorded In Book 5835 Page 9252 On January 03, 2008. Said Deed of Trust was assigned to CHAMPION MORTGAGE COMPANY, by an assignment Dated December 04, 2012 Recorded In Book 6764 Page 1359 On December 26, 2012. At the time of making said deed in lieu of foreclosure affiants believed and now believe that the aforesaid consideration therefore represents the fair value of the property so deeded, or more.

This affidavit is made for the protection and benefit of NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

That affiants, and each of them will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

I/WE (THE BORROWERS) UNDERSTAND THAT I/WE HAD A RIGHT TO OBTAIN LEGAL ADVICE BEFORE SIGNING THE AFORESAID DEED. I/WE HAVE EITHER DONE SO OR HAVE ELECTED TO PROCEED WITHOUT LEGAL ADVICE.

Dated: August 25, 2014

*Diane Van Loven*  
DIANE VAN LUVEN, INDIVIDUALLY

*Diane Van Loven as Successor Trustee*  
DIANE VAN LUVEN, AS SUCCESSOR  
TRUSTEE OF THE DUNCAN FAMILY TRUST,  
UNDER TRUST DATED MARCH, 11, 2004

*John Duncan*  
JOHN DUNCAN

*Elizabeth A. Duncan*  
Witness #1 Signature  
*Elizabeth A. Duncan*  
Witness #1 Printed Name  
*Margaret J. Reinert*  
Witness #1 Printed Name

*Elizabeth A. Duncan*  
Witness #2/Notary Signature  
*Elizabeth A. Duncan*  
Witness #2/Notary Printed Name  
*Margaret J. Reinert*  
Witness #2/Notary Printed Name

STATE OF Florida

COUNTY OF Brevard

The Foregoing Instrument was acknowledged before me on August 25, 2014, by DIANE VAN LUVEN, INDIVIDUALLY, AS SUCCESSOR TRUSTEE OF THE DUNCAN FAMILY TRUST, UNDER TRUST DATED MARCH, 11, 2004 AND JOHN DUNCAN who is/are personally known to me or who has/have produced a valid driver's license as identification.

*Margaret J. Reinert*  
NOTARY PUBLIC

My Commission Expires: Feb 11, 2018

