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**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**CITIMORTGAGE, INC.,
Plaintiffs,**

v.

Case No.: 11-002049CI-07
UCN: 522011CA002049XXCICI

**CHARLES BRUCE HAMMIL, et al.,
Defendant(s).**

_____ /

**ORDER DENYING "PLAINTIFF'S MOTION FOR CLARIFICATION ON COURT'S
ORDER ON DEFENDANTS' MOTION TO DISMISS;
DIRECTIONS TO CLERK OF COURT**

This Court has before it the Plaintiff Citimortgage, Inc.'s Motion for Clarification on the Order of Dismissal. After a hearing was conducted on April 11, 2012, this Court entered an order on April 12, 2012, dismissing this action without prejudice to re-file under a new case number.

On April 26, 2012, Citimortgage filed a Motion to Vacate the April 12, 2012, order. Although the case had been dismissed, on April 27, 2012, Citimortgage filed the cost bond. (Pursuant to section 57.011, Florida Statutes (2011), the cost bond was required to have been filed within 30 days of the March 4, 2011, commencement of the action.) An order was entered on May 15, 2012, denying the motion to vacate.

Now Citimortgage has once again filed a new motion asking this Court to reconsider the dismissal of this action and for "clarification." The April 12, 2012, Order was clear and requires no clarification. The dismissal of the action was for a procedural deficiency and was not a ruling on the merits of the case; therefore, the dismissal was without prejudice. Citimortgage is not permitted to file an amended complaint under this case number because this case has been dismissed for failure to file a required bond and the matter is closed.

No further pleadings or motions shall be entertained in Case Number 11-002049CI-07. The Clerk of Court shall close this case and permit no further filings under this case number.

After payment of all fees to the Clerk of Court, the funds remaining on the Bond filed on April 27, 2012, shall be remitted to Citimortgage.

Accordingly, it is

ORDERED AND ADJUDGED that Citimortgage, Inc.'s "Motion For Clarification On Court's Order On Defendants' Motion To Dismiss" is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that within twenty days, after payment of all fees to the Clerk of Court, the **Clerk of Court shall remit to Citimortgage any funds remaining on the Bond filed on April 27, 2012.**

IT IS FURTHER ORDERED AND ADJUDGED that the **Clerk of Court shall close case number 11-002049CI-07 and shall permit no further pleadings or motions to be filed under this case number.**

DONE AND ORDERED in Chambers, in Clearwater, Pinellas County, Florida, this ____ day of May, 2012.

BRUCE BOYER, Circuit Judge

TRUE COPY
Original Signed

MAY 30 2012

BRUCE BOYER Circuit Judge

Copies furnished to:

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