

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

CITIMORTGAGE, INC,

Plaintiff,

Case No. 2011-13966
Division J

MAURICIO H. GARCIA, *et. al.*,

Defendants.

ORDER GRANTING SUMMARY JUDGMENT

THIS CAUSE, having come before the Court on July 23, 2012 on Defendant's Motion for Summary Judgment or to Dismiss Complaint, and the Court, having reviewed the motion and being duly advised in the premises, it is hereby;

ORDERED AND ADJUDGED as follows:

1. There are no disputed issues of material fact, and Defendant is entitled to summary judgment as a matter of law. To wit, Plaintiff failed to send the notice and cure letter required by paragraph 22 of the subject mortgage, a fact proven by Defendant's affidavit and the absence of any summary judgment evidence from Plaintiff.

2. Plaintiff's failure to comply with this condition precedent does not justify a summary judgment on the merits, but this case is dismissed without prejudice and without leave to amend.

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida on this
____ day of July, 2012.

ORIGINAL SIGNED

JUL 23 2012

Circuit Court Judge

**J. ROGERS PADGETT
CIRCUIT JUDGE**

cc: Mark P. Stopa, Esq.
Shaib Rios, Esq.