

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

HSBC BANK USA, N.A.,

Plaintiff,

Case No. 2011-4528-CI-19

SABATINO J. LEONE and DIANA LEONE, et al.,

Defendants.

**ORDER GRANTING SUMMARY JUDGMENT**

THIS CAUSE, having come before the Court on October 26, 2012 on Defendant's Amended Motion to Dismiss and for Summary Judgment, and the Court, having heard the arguments of counsel and being duly advised in the premises, it is hereby;

ORDERED AND ADJUDGED as follows:

1. The undisputed, summary judgment evidence before the Court establishes that Plaintiff failed to provide Defendant with the requisite 30-days' notice and opportunity to cure, as required by paragraph 22 of the Mortgage, a fact proven by Defendant's affidavit and the absence of any summary judgment evidence from Plaintiff.

2. The motion is granted, and this case is dismissed without prejudice.

DONE AND ORDERED in Chambers in Tampa, Hillsborough County, Florida on this \_\_\_ day of October, 2012.

cc: Stopa Law Firm  
Smith, Hiatt & Diaz, P.A.

Hon. Amy Williams  
Circuit Court Judge

