

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION,

Plaintiff,

Case No. 2011-9321-CI-15

MICHELE J. BLACK, et. al.,

Defendant.

ORDER GRANTING SUMMARY JUDGMENT

THIS CAUSE, having come before the Court on September 4, 2012 on Defendant's Motion to Dismiss or for Summary Judgment as well as Defendant's Motion for Rehearing or Reconsideration of Order Denying Motion to Dismiss, and the Court, having reviewed the motions, 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 shows that Plaintiff failed to give Defendant thirty days' notice of the alleged default and an opportunity to cure, as required by paragraph 22 of the subject mortgage. Hence, there are no material issues of disputed fact, and Defendant is entitled to judgment as a matter of law.

2. Plaintiff's failure to comply with conditions precedent does not bar another lawsuit, but the instant case is dismissed without prejudice and without leave to amend.

3. In light hereof, the motion for rehearing is moot.

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

cc: Mark P. Stopa, Esq.
Smith, Hiatt & Diaz

Hon. W. Douglas Baird
Circuit Court Judge
W. DOUGLAS BAIRD
CIRCUIT JUDGE

