

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

GREEN TREE SERVICING LLC
SUCCESSOR BY MERGER WITH WALTER
MORTGAGE COMPANY, LLC, AS ASSIGNEE
BY PRIOR ASSIGNMENT

Plaintiff,

Case No. 12-00010785

v.

Division: K

KATHRYN W. MILLIKEN, ROBERT
B. MILLIKEN AND JOHN DOE et al.,

Defendants,

ORDER GRANTING SUMMARY JUDGMENT

THIS CAUSE, having come before the Court on December 12, 2012 on Defendants' Motion for Summary Judgment, and the Court, having reviewed the motion and the affidavits filed in support and in opposition, having heard the arguments of counsel, and being otherwise duly advised in the premises, it is hereby;

ORDERED AND ADJUDGED:

1. There are no disputed issues of material fact, and Defendant is entitled to summary judgment as a matter of law.
2. In opposition to the motion, Plaintiff filed an affidavit reflecting that letters dated November 1, 2012 and March 21, 2012 were sent to Defendants. While Plaintiff relies on these letters to support its position that it complied with the conditions precedent set forth in paragraph 22 of the Mortgage, the letters show, on their face, that there was no such compliance. Instead of apprising Defendants that failure to cure the alleged default would result in "foreclosure by judicial proceeding," the letters advised Defendants they would have to "bring a court action."

That is not sufficient to comply with the conditions precedent set forth in paragraph 22.

3. 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 December, 2012.

cc: Mark P. Stopa, Esq.
Veschio Law Group

ORIGINAL SIGNED
Hon. Circuit Court Judge DEC 18 2012
PERRY A. LITTLE
SENIOR JUDGE