

IN THE CIRCUIT COURT OF THE 9TH  
JUDICIAL CIRCUIT, IN AND FOR  
ORANGE COUNTY, FLORIDA

CASE NO.: 2021-CA-005686-O

JOSE PEREIRA,

Plaintiff,

vs.

UNIVERSAL PROPERTY &  
CASUALTY INSURANCE COMPANY,

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

THIS CAUSE having come before this Honorable Court on December 20, 2023, *Defendant's Motion for Summary Judgment and Incorporated Memorandum of Law*, and the Court having considered the record, the evidence presented, having heard arguments of the parties' respective counsel, and being otherwise advised in the premises, it is hereby,

**ORDERED AND ADJUDGED** that:

1. Defendant's *Motion for Summary Judgment and Incorporated Memorandum of Law* is **GRANTED**.


2. The Court finds that that the undisputed record evidence shows that Defendant requested Plaintiff's compliance with various post loss obligations prior to suit. The policy of insurance at issue required Plaintiff to provided requested records, documentation, and submit to a recorded statement when requested. The policy also required Plaintiff to submit signed, sworn proof of loss that includes specifications of damaged buildings and detailed repair estimates. The record evidence shows that Plaintiff did not provide requested documentation, submit to the requested recorded statement, or provide a sworn proof of loss that included detailed repair estimate prior to initiating this lawsuit as required by the applicable policy of insurance. The court finds that the failure

to provide items such as a sworn proof of loss and a recorded statement when required by an insurance policy, is a failure to comply with condition precedent to filing suit.

3. Plaintiffs shall take nothing by this action and Defendant shall go hence without day.

4. Court retains jurisdiction of this matter to address entitlement to and amount of any attorneys' fees and/or cost.

DONE AND ORDERED in Chambers at the Orange County Courthouse, Florida, on this 12<sup>th</sup> day of January, 2024.



01/12/24 09:20:19

eSigned by Denise Beamer 01/12/2024 09:20:19 OcWeErDz

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DENISE KIM BEAMER  
CIRCUIT COURT JUDGE

Copies furnished via e-Portal to:

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eSigned by Sheri Beamer 01/12/2024 09:42:04 7c6b00

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