

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
CIVIL DIVISION**

PATSY NICHOLS and NEWTON NICHOLS,

Plaintiff,

CASE NO.: 1100007830

v.

DIVISION: A

DEBORAH A. KAHAKUA, GREAT AMERICAN
ASSURANCE COMPANY, AND AUTO-OWNERS
INSURANCE COMPANY,

Defendants.

_____ /

FINAL SUMMARY JUDGMENT

This matter came before the Court pursuant to Auto-Owners Insurance Company's Motion for Final Summary Judgment on October 30, 2012. The Court having reviewed the Motion, the pertinent portions of the policy, and having been fully advised in the premises, it is hereby

ORDERED and ADJUDGED as follows:

1. That the Motion is well taken and is due to be granted and that final summary judgment shall be entered in favor of the Defendant, Auto-Owners Insurance Company. The Court finds that, as a matter of law the automobile insurance policy #3639482900, does not provide uninsured/underinsured motorists coverage for those personal injury claims asserted against it by Newton Nichols and as currently being prosecuted in the instant action. Specifically, this Court finds that under the section entitled "Uninsured and Underinsured Motorists Coverage," subpart "Exclusions," that the insurance provided by this endorsement does not apply to any person injured while occupying or injured by any automobile which is

owned or leased by such person injured if such automobile: (3) is not insured for uninsured and underinsured coverage motorists coverage by the policy. The policy language is unambiguous and because the vehicle which was being operated at the time of the motor vehicle accident, was a 2006 Dodge and not the insured vehicle, to wit a 1997 Chevrolet Cavalier, that, as a matter of law, there can be no uninsured/underinsured motorist coverage under the Auto-Owners Insurance Company policy for those losses claimed in the instant matter.

Accordingly, it is

ORDERED and ADJUDGED as follows:

1. That the Plaintiff, Newton Nichols, take nothing by this action from the Defendant, Auto-Owners Insurance Company and that Auto-Owners Insurance Company shall go hence without day, for which let execution issue.

DONE and ORDERED in Chambers in Tampa, Hillsborough County, Florida on this the _____ day of November, 2012.

Sam D. Pendino
Circuit Court Judge

ORIGINAL SIGNED
CONFORMED COPY

NOV 08 2012

SAM D. PENDINO
CIRCUIT JUDGE

Copies Furnished To:

John A. Guyton, III, Esquire
Michael F. Hancock, Esquire
John J. Cavo, Esquire
Kim Murano, Esquire