

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

U.S. BANK NATIONAL
ASSOCIATION, as Trustee Relating
to Chevy Chase Funding LLC
Mortgage Backed Certificates Series
2006-2

Plaintiff,

v.

Case No: 2:16-cv-733-FtM-99CM

CHRISTOPHER J. SARARO,
UNKNOWN SPOUSE OF
CHRISTOPHER J. SARARO,
ALFREDO J. SARARO, III ,
UNKNOWN SPOUSE OF
ALFREDO J. SARARO, III,
GRANDE EXCELSIOR AT THE
GRANDE PRESERVE
CONDOMINIUM ASSOCIATION,
INC., THE DUNES OF NAPLES
PROPERTY OWNERS
ASSOCIATION, INC., GRANDE
PRESERVE AT THE DUNES
COMMUNITY ASSOCIATION,
INC., CHICAGO TITLE
INSURANCE COMPANY, PNC
BANK, N.A., UNITED STATES OF
AMERICA DEPARTMENT OF
TREASURY, UNITED STATES
ATTORNEY, PARTIES IN
POSSESSION UNKNOWN
TENANT'35;1 and PARTIES IN
POSSESSION UNKNOWN
TENANT '35;2,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Unopposed Motion for Leave to Serve by Publication (Doc. 76) filed on February 9, 2017. Plaintiff seeks to serve Defendants Christopher J. Sararo ("Sararo") and the Unknown Spouse of Christopher J. Sararo n/k/a Summer Parham ("Parham") by publication. Doc. 76.

This is a civil action to foreclose on residential real property located in Collier County, Florida to satisfy a promissory note. Doc. 46. Plaintiff alleges that Sararo and Parham reside at 10950 Bloomfield Street, Penthouse 10, North Hollywood, CA, but are concealing themselves to avoid personal service. Doc. 76 at 2. In support, Plaintiff filed an Affidavit of Diligent Search and Inquiry in Support of Constructive Service ("Affidavit"). Doc. 72-1. The Affidavit states that Plaintiff attempted service multiple times at 285 Grande Way, Unit #604, Naples, FL 34110, which is the property subject to this action. *Id.* at 2. Plaintiff served the property's current tenants, who stated that they do not know Sararo and Parham. *Id.* Plaintiff alleges that it conducted a skip trace and discovered six addresses related to Sararo and Parham. *Id.* at 2-3. Plaintiff states that it attempted service at all of the six addresses, including Sararo and Parham's alleged current residence in North Hollywood, CA. *Id.* at 3-4. Plaintiff alleges that it unsuccessfully attempted service numerous times at 10950 Bloomfield Street, Penthouse 10, North Hollywood, CA over the course of four weeks. *Id.* at 4. Plaintiff also details three (3) attempts in Florida and four (4) attempts in California made by its retained process servers to personally serve Sararo and Parham. Doc. 72-2.

Rule 4, Federal Rules of Civil Procedure, allows service upon an individual in accordance with state law and upon a corporation in the same manner provided for serving an individual. Fed. R. Civ. P. 4(e)(1), 4(h)(1). Florida law permits service of process by publication in an action to enforce a lien on property located within the jurisdiction of the Court. Fla. Sta. § 49.011(1). When personal service cannot be made after diligent efforts, Florida law provides for service by publication upon any party. Fla. Stat. § 49.021(1). In addition, in an action to enforce a lien on real or personal property within the district, the Court may permit service by publication “where personal service is not practicable.” 28 U.S.C. § 1655.

In accordance with section 49.041, Florida Statutes, Plaintiff provided the Affidavit along with the various declarations of the process servers, which confirm that the servers made multiple attempts to serve Sararo and Parham. *See Docs. 72-1, 72-2.* Despite these efforts, the process servers were unable to effectuate service of process upon Sararo and Parham. *See Doc. 72-2.* Plaintiff has complied with Florida and federal law regarding service by publication and demonstrated that constructive service of process is necessary. The Court finds good cause and will permit service by publication upon Christopher J. Sararo and the Unknown Spouse of Christopher J. Sararo n/k/a Summer Parham.

ACCORDINGLY, it is hereby

ORDERED:

1. Plaintiff's Unopposed Motion for Leave to Serve by Publication (Doc. 76) is **GRANTED**.

2. Service on Christopher J. Sararo and the Unknown Spouse of Christopher J. Sararo n/k/a Summer Parham may be effected by publication under federal and Florida law.

3. Plaintiff shall have up to and including **April 12, 2017** to serve by publication Christopher J. Sararo and the Unknown Spouse of Christopher J. Sararo n/k/a Summer Parham.

4. The Clerk of Court shall issue the Notice of Action (Doc. 75).

5. Plaintiff shall publish the Notice of Action once per week for six (6) consecutive weeks in a newspaper of general circulation published in Collier County, Florida.

DONE and **ORDERED** in Fort Myers, Florida on this 14th day of February, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record