

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR TBW MORTGAGE-BANK  
PASS-THROUGH CERTIFICATES, SERIES 2006-3,

Appellant,

v.

Case No. 5D20-1056

MICHELLE FORSYTH, PATRICK FORSYTH, ET AL.,

Appellees.

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Opinion filed December 4, 2020

Appeal from the Circuit Court  
for Osceola County,  
Mike Murphy, Judge.

Gillian D. Williston, of Troutman Pepper  
Hamilton Sanders, LLP, Virginia Beach,  
VA, for Appellant.

Anthony N. Legendre, II, of Law Offices of  
Legendre & Legendre, PLLC, Maitland, for  
Appellees.

HARRIS, J.

U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Pass-Through Certificates, Series 2006-3 ("U.S. Bank"), appeals the final order dismissing its mortgage foreclosure complaint. The trial court dismissed the complaint based upon its

interpretation of Florida Rule of Civil Procedure 1.115(e) as precluding U.S. Bank's servicer from verifying its complaint.

This Court recently held that rule 1.115(e) cannot constrain or prohibit a claimant-plaintiff from delegating to its servicer-agent the authority to verify its foreclosure complaint. See Wilmington Sav. Fund Soc'y, FSB v. Tacoronte, 293 So. 3d 1071 (Fla. 5th DCA 2020); Citibank, N.A. as Tr. for CWABS, Inc. Asset-Backed Certificates, Series 2007-QX1 v. Ward, 292 So. 3d 904 (Fla. 5th DCA 2020). Accordingly, we reverse the final order of dismissal and remand for further proceedings.

REVERSED and REMANDED.

ORFINGER and LAMBERT, JJ., concur.