

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

HARVEY S. LEE,

Appellant,

v.

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

CASE NO. 1D11-6305

WELLS FARGO BANK, NA,

Appellee.

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Opinion filed July 31, 2012.

An appeal from an order of the Clay County Circuit Court.

John H. Skinner, Judge.

Sean C. Barber of the Law Offices of Bohdan Neswiacheny, Orange Park, for  
Appellant.

Dean A. Morande, Michael K. Winston, Cynthia L. Comras, and Donna L. Eng of  
Carlton Fields, P.A., West Palm Beach, for Appellee.

PER CURIAM.

Appellant seeks review of a final summary judgment of foreclosure. He argues that summary judgment was improperly entered because there was a disputed issue of material fact regarding the lender's compliance with the notice requirements for accelerating the mortgage. Appellee concedes error. Accordingly, we reverse and remand the judgment on appeal for further proceedings.

Appellant's motion for attorney's fees is denied without prejudice. See Termaforoosh v. Wash, 952 So. 2d 1247 (Fla. 5th DCA 2007).

REVERSED.

DAVIS, LEWIS, and MAKAR, JJ., CONCUR.