

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

CITIBANK, N.A., AS TRUSTEE FOR CWABS,
INC. ASSET-BACKED CERTIFICATES,
SERIES 2007-QX1,

Appellant,

v.

Case No. 5D19-920

MAURICE WARD, SILVIA WARD,
ASSOCIATION OF POINCIANA VILLAGES,
INC. AND POINCIANA VILLAGE ONE
ASSOCIATION, INC.,

Appellees.

Opinion filed April 3, 2020

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

Nancy M. Wallace, of Akerman LLP,
Tallahassee, William P. Heller, of Akerman
LLP, Fort Lauderdale, and Eric M. Levine,
of Akerman LLP, West Palm Beach, for
Appellant.

Andrew B. Greenlee, of Andrew B.
Greenlee, PA, Sanford, and Anthony N.
Legendre, II, of Law Offices of Legendre &
Legendre, PLLC, Maitland, for Appellees
Maurice Ward and Silvia Ward.

No Appearance for Remaining Appellees.

PER CURIAM.

Citibank, N.A., as Trustee for CWABS, Inc. Asset-Backed Certificates, Series 2007-QX1 (“Citibank”), 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 Citibank’s servicer from verifying its complaint.

In a separate opinion from a different panel of our court, released today, we conclude 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*, Case No. 5D19-1326 (Fla. 5th DCA Apr. 3, 2020). Accordingly, based on that decision, we reverse the final order of dismissal and remand for further proceedings.

REVERSED and REMANDED.

LAMBERT, EDWARDS, and HARRIS, JJ., concur.