

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

LOANCARE, LLC,

Appellant,

v.

Case No. 5D21-239
LT Case No. 2020-CA-000059

LATANYA M. CHESTNUT A/K/A LATANYA
MICHELLE WHITE CHESTNUT A/K/A
LATANYA WHITE CHESTNUT A/K/A LATONYA
CHESTNUT, TRAVIS U. CHESTNUT A/K/A
TRAVIS CHESTNUT A/K/A TRAVIS UNDRAY
CHESTNUT, ET AL.,

Appellees.

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Opinion filed October 29, 2021

Appeal from the Circuit Court
for Putnam County,
Patti A. Christensen, Judge.

Zachary Ullman, Julia Poletti, and Jennifer
Travieso, of Aldridge Pite, LLP, Delray Beach,
for Appellant.

No Appearance for Appellees.

PER CURIAM.

Loancare, LLC, appeals an order dismissing its foreclosure complaint with prejudice, arguing *inter alia*, that the trial court erred when it sua sponte dismissed based on unpled affirmative defenses. We agree and reverse. See *Liton Lighting v. Platinum Television Grp., Inc.*, 2 So. 3d 366, 367 (Fla. 4th DCA 2008) (“A trial judge may not sua sponte dismiss an action based on affirmative defenses not raised by proper pleadings.” (citation omitted)).

REVERSED and REMANDED.

WALLIS, EISNAUGLE and SASSO, JJ., concur.