

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

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

CHRISTOPHER THOMAS,

Appellant,

v.

CASE NO. 1D07-1812

BANK OF NEW YORK AS
TRUSTEE FOR THE
CERTIFICATE HOLDERS
CWABS, INC.,

Appellee.

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Opinion filed March 4, 2009.

An appeal from the Circuit Court for Duval County.
L. Haldane Taylor, Judge.

Appellant Christopher Thomas, pro se.

Cindy Runyan of Florida Default Law Group, PL, Tampa, for Appellee.

PER CURIAM.

Appellant Christopher Thomas seeks review of a final summary judgment of mortgage foreclosure, arguing that he was denied sufficient service of process in the proceeding below. Because appellant filed a responsive pleading without

challenging the sufficiency of service or the court's exercise of personal jurisdiction over him at the "first opportunity," he waived any defense regarding a defect in service. Re-Employment Servs., Ltd. v. Nat'l Loan Acquisitions Co., 969 So. 2d 467, 470 (Fla. 5th DCA 2007); De Ardila v. Chase Manhattan Mortg. Corp., 826 So. 2d 419, 420 n.2 (Fla. 3d DCA 2002) (mortgagor waived argument alleging insufficiency of service of process of foreclosure action by filing pleadings without challenging service); accord Fla. R. Civ. P. 1.140(b), (h).

The summary judgment for appellee is AFFIRMED.

HAWKES, C.J., WOLF and KAHN, JJ, CONCUR.