

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

CHRISTAL R. MONTGOMERY
F/K/A CHRISTAL R.
MONTGOMERY-DARNES,

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

Petitioner,

CASE NO. 1D16-2240

v.

JP MORGAN CHASE,
NATIONAL ASSOCIATION,

Respondent.

_____ /

Opinion filed November 17, 2016.

An appeal from an order of the Circuit Court for Escambia County.
Darlene F. Dickey, Judge.

Christal R. Montgomery, pro se, Petitioner.

Elliot B. Kula, W. Aaron Daniel, and William D. Mueller of Kula & Associates, P.A.,
Miami, for Respondent.

PER CURIAM.

Pursuant to appellee's proper confession of error, the final order on appeal is reversed and the cause is remanded to the trial court with directions to hold an evidentiary hearing on appellant's motion to vacate. See Johnson v. State, Dep't of

Revenue ex rel. Lamontagne, 973 So. 2d 1236, 1239 (Fla. 1st DCA 2008) (holding that “absent record refutation of allegations in the motion for relief from judgment, allegations which ‘if proven, would establish that the judgment is void,’ the trial court must conduct an evidentiary hearing.”).

ROWE, MAKAR, and KELSEY, JJ., CONCUR.