

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2014

KATHLEEN A. RYAN, JOHN D. RYAN,
and **JENNIFER A. RYAN,**
Appellants,

v.

WELLS FARGO BANK, N.A.,
Appellee.

No. 4D13-2155

[July 23, 2014]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Howard H. Harrison, Senior Judge; L.T. Case No. 502007CA016261XXXXMB (AW).

Adam I. Skolnik of Law Office of Adam I. Skolnik, P.A., Deerfield Beach, for appellants.

Khari E. Taustin, Jeremy W. Harris and Masimba M. Mutamba, Morris, Laing, Evans, Brock & Kennedy, Chtd., West Palm Beach, for appellee.

PER CURIAM.

At the trial in this foreclosure case, appellants timely raised the issue of the appellee bank's standing to bring suit at the time the lawsuit was filed. The record contains a copy of a note with an endorsement in blank; at trial, the note introduced into evidence did not bear an endorsement. The copy of the note bearing an endorsement was filed almost two years after the initial complaint was filed. Appellee did not demonstrate that the endorsement occurred prior to the filing of the initial complaint. Although appellee contends that the bank's sole witness at trial "pointedly testified" that the bank had the authority to commence a foreclosure action "in 2007 when the initial complaint was filed," the witness conceded that he was "unsure" whether the bank owned the loan at that time when directly questioned on this point. We therefore reverse the final judgment of foreclosure because the bank failed to establish standing to bring suit. *See, e.g., Servedio v. U.S. Bank Nat'l Ass'n*, 46 So. 3d 1105, 1107 (Fla. 4th DCA 2010). We find no error on the remaining issues on appeal.

Reversed.

GROSS, GERBER and CONNER, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.