

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**FELICE BERENSON,**  
Appellant,

v.

**DEUTSCHE BANK NATIONAL TRUST COMPANY,**  
Appellee.

No. 4D14-3985

[November 23, 2016]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard L. Oftedal, Judge; L.T. Case No. 50-2008-CA-033339 XXXXMB.

Michael Vater and Kendrick Almaguer of The Ticktin Law Group, P.A., Deerfield Beach, for appellant.

Michele L. Stocker, Kimberly S. Mello, and Robert Schneider of Greenberg Traurig, P.A., Fort Lauderdale, for appellee.

**ON COMBINED MOTION FOR REHEARING, REHEARING EN BANC  
AND FOR CERTIFICATION TO THE FLORIDA SUPREME COURT**

PER CURIAM.

We grant the appellant's motion for rehearing, deny the motion for rehearing *en banc* and for certification, withdraw our prior opinion in *Berenson v. Deutsche Bank National Trust Company*, 41 Fla. L. Weekly D1042 (Fla. 4th DCA Apr. 27, 2016), and substitute this opinion in its place.<sup>1</sup>

We reverse. *See Grosso v. HSBC Bank USA, N.A.*, No. 4D14-3971 (Fla. 4th DCA Nov. 16, 2016).

*Reversed.*

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<sup>1</sup> Judge Martha C. Warner has been substituted for Judge W. Matthew Stevenson after his retirement from the Court.

WARNER, GROSS and FORST, JJ., concur.

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***Not final until disposition of timely filed motion for rehearing.***