

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JANUARY TERM 2005

LINDY SLAPPY,

Appellant,

v.

**MANUFACTURERS & TRADERS TRUST
COMPANY, TIMOTHY SLAPPY, and
DORIS CORE a/k/a DORIS SLAPPY,**

Appellees.

remand for a hearing on whether there are grounds under Florida Rule of Civil Procedure 1.540(b)(1) to enter an amended final judgment.

STEVENSON, SHAHOOD and GROSS, JJ.
concur.

*NOT FINAL UNTIL DISPOSITION OF ANY
TIMELY FILED MOTION FOR REHEARING.*

CASE NO. 4D04-2267

Opinion filed May 11, 2005

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John D. Wessel, Judge; L.T. Case No. CL-00-11300-AW.

Allan L. Hoffman, West Palm Beach, for appellant.

Jerald C. Cantor, Hollywood, for appellee Manufacturers & Traders Trust Company.

PER CURIAM.

Five months after the entry of a final judgment, the plaintiff below moved for the entry of an amended final judgment on the ground that "through oversight or omission" the court had not ordered foreclosure. The circuit court granted the motion and entered an amended final judgment ordering foreclosure.

The judge who entered the amended final judgment was not the same judge who entered the original final judgment, after presiding over a non-jury trial. The limited record is consistent with the conclusion that the original trial judge did not intend to order foreclosure. The record does not demonstrate that the successor judge held a hearing before granting the motion to enter the amended judgment. We reverse and