

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

MARIE LOURDES BENOIT, LORREL BENOIT and **BARBARA BENOIT**,
et al.,
Appellants,

v.

**THE BANK OF NEW YORK MELLON, AS SUCCESSOR TRUSTEE
UNDER NOVASTAR MORTGAGE FUNDING TRUST, SERIES 2005-4**,
Appellee.

No. 4D09-898

[October 14, 2009]

PER CURIAM.

This is an appeal of a summary final judgment of foreclosure. A confession of error has been filed by The Bank of New York Mellon, as Successor Trustee Under Novastar Mortgage Funding Trust, Series 2005-4. Accordingly, the summary final judgment is reversed and the cause remanded for further proceedings.

WARNER, FARMER and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey E. Streitfeld, Judge; L.T. Case No. CACE 08-057435 02.

Megan Carraher and Joshua Bleil of The Ticktin Law Group, P.A., Deerfield Beach, for appellants Marie Lourdes Benoit, Lorrel Benoit and Barbara Benoit.

Maureen G. Percy of Hinshaw & Culbertson, L.L.P., Miami, for appellee.

Not final until disposition of timely filed motion for rehearing.