

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2011*

**DELROY COWAN** and **HEATHER D. COWAN**, a/k/a **HEATHER  
COWAN**,  
Appellants,

v.

**THE BANK OF NEW YORK MELLON**, f/k/a **THE BANK OF NEW YORK  
AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC.  
ALTERNATIVE LOAN TRUST 2006-OC1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-OC1**,  
Appellee.

No. 4D10-3895

[November 23, 2011]

PER CURIAM.

*Affirmed.* See *Glynn v. First Union Nat'l Bank*, 912 So. 2d 357, 358 (Fla. 4th DCA 2005) (lack of standing is an affirmative defense that must be raised, failure to raise it results in waiver); *Chem. Residential Mortg. v. Rector*, 742 So. 2d 300, 300 (Fla. 1st DCA 1998) (by failing to respond to complaint and default entered, appellants waived any denial of its allegations of lack of standing of plaintiff); *Freemon v. Deutsche Bank Trust Co. Am.*, 46 So. 3d 1202, 1204 (Fla. 4th DCA 2010) (party not entitled to an evidentiary hearing on motion to set aside final judgment for fraud where motion failed to “specify the fraud with particularity and explain why the fraud, if it exists, would entitle the movant to have the judgment set aside.”).

WARNER, LEVINE and CONNER, JJ., concur.

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Appeal of a non-final order from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 08-62654 11.

Garry W. Johnson and Bruce K. Herman of 511 Law, P.A., Fort Lauderdale, for appellants.

No brief filed for appellee.

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