

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2012*

**JOHN J. LEBEAU JR.,**  
Appellant,

v.

**DEUTSCHE BANK TRUST COMPANY AMERICAS**, formerly known as  
Banker's Trust Company, as Trustee and Custodian for IXIS2006-HE2,  
**JAMES COLLINS, GILLES "JIMMY" GOULET** a/k/a Chateau Marine  
Service, and **VILLAGE OF NORTH PALM BEACH**,  
Appellees.

No. 4D11-1515

[November 7, 2012]

PER CURIAM.

We affirm the trial court's denial of appellant's rule 1.540(b)(3) motion to vacate a final judgment of foreclosure based upon alleged misrepresentations of appellee Deutsche Bank's loan servicers, as we conclude that the allegations in the motion were insufficient to entitle appellant to an evidentiary hearing. By this opinion, we do not address whether appellant may assert any separate causes of action against appellee Deutsche Bank or its loan servicers.

*Affirmed.*

MAY, C.J., GERBER and LEVINE, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Howard Harrison, Judge; L.T. Case No. 502008CA010111XXXXMB.

Robin Bresky and Sophia Blair of the Law Offices of Robin Bresky, Boca Raton, for appellant.

Heidi J. Weinzetl of Shapiro, Fishman & Gache, LLP, Boca Raton, for appellee Deutsche Bank.

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