

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

WELLS FARGO BANK, NA,
Appellant,

v.

THE UNKNOWN HEIRS OF PATRICIA A. CHIPNER,
Appellees.

No. 4D11-3510

[November 7, 2012]

PER CURIAM.

After a default had been entered against the borrower in a mortgage foreclosure action, the circuit court *sua sponte* dismissed the case for the plaintiff's lack of standing to file the complaint. We reverse on the authority of *National City Bank v. Nagel*, 95 So. 3d 458 (Fla. 4th DCA 2012) and remand to the circuit court for further proceedings. *See also GMAC Mort., LLC. v. Choengkroy*, No. 4D11-3531 (Fla. 4th DCA Oct. 17, 2012).

GROSS, TAYLOR and DAMOORGIAN, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Cynthia L. Cox, Judge; L.T. Case No. 10-73231 CA.

Michael K. Winston, Dean A. Morande, and Donna L. Eng of Carlton Fields, P.A., West Palm Beach, for appellant.

No appearance for appellees.

Not final until disposition of timely filed motion for rehearing.