

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

DANIEL BLANCO,
Appellant,

v.

BANK OF NEW YORK as successor in interest of JP Morgan Chase
Bank, N.A., as Trustee on behalf of SAMI 2006-AR-3,
Appellee.

No. 4D11-761

[October 26, 2011]

PER CURIAM.

We reverse the trial court's order denying the defendant's "Verified Motion to Quash Service By Publication, Vacate Default and Final Judgment," because the plaintiff failed to make a diligent effort to personally serve the defendant before serving process by publication. *See Miller v. Partin*, 31 So. 3d 224, 228 (Fla. 5th DCA 2010) (stating that "[t]he test to be applied is whether the plaintiff reasonably employed the knowledge at his or her command, made diligent inquiry, and exerted an honest and conscientious effort appropriate to the surrounding circumstances to acquire the information necessary to enable the plaintiff to effect personal service on the defendant.").

Reversed and Remanded.

STEVENSON, GROSS and TAYLOR, JJ., concur.

* * *

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. 08-14053.

Carol C. Asbury of Save My Home Law Group, Fort Lauderdale, for appellant.

Nancy M. Wallace and Katherine E. Giddings of Akerman Senterfitt,

Tallahassee, and William P. Heller of Akerman Senterfitt, Fort Lauderdale, for appellee.

Not final until disposition of timely filed motion for rehearing.