

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

THE BANK OF NEW YORK MELLON,)
)
 Appellant,)
)
 v.)
)
 BILLY F. HERNDON,)
)
 Appellee.)
 _____)

Case No. 2D15-1055

Opinion filed February 26, 2016.

Appeal from the Circuit Court for
Hillsborough County; Perry A. Little,
Senior Judge.

Nancy M. Wallace of Akerman LLP,
Tallahassee; William P. Heller of
Akerman LLP, Fort Lauderdale; and
Eric M. Levine of Akerman LLP, West
Palm Beach, for Appellant.

Nick Fowler and Sami Thalji of
Stamatakis, Thalji & Bonanno, Tampa,
for Appellee.

KELLY, Judge.

The Bank of New York appeals from the order dismissing its foreclosure
action against Billy F. Herndon on the grounds that the default letter did not

substantially comply with the notice requirement in paragraph 22 of the mortgage. We reverse and remand for further proceedings. See Green Tree Servicing, LLC v. Milam, 177 So. 3d 7 (Fla. 2d DCA 2015); Bank of Am. v. Cadet, No. 3D15-699, 2016 WL 231890 (Fla. 3d DCA Jan. 20, 2016); Bank of N.Y. Mellon v. Nunez, 40 Fla. L Weekly D2486 (Fla. 3d DCA Nov. 4, 2015).

NORTHCUTT and LaROSE, JJ., Concur.