

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JASON M. WAVRA and MICHELLE R. WAVRA,)
)
)
Appellants,)
)
v.)
)
NATIONAL CREDIT UNION)
ADMINISTRATION BOARD in its capacity)
as liquidating agent for Huron River Area)
Credit Union,)
)
Appellee.)
-----)

Case No. 2D10-2976

and

JASON M. WAVRA and MICHELLE R. WAVRA,)
)
)
Appellants,)
)
v.)
)
NATIONAL CREDIT UNION)
ADMINISTRATION BOARD in its capacity)
as liquidating agent for Huron River Area)
Credit Union,)
)
Appellee.)
-----)

Case No. 2D10-2978

and

FUE R. VANG and CHONNIE VANG,)
)
 Appellants,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2979

and

FUE R. VANG and CHONNIE VANG,)
)
 Appellants,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2980

and

WILLIAM G. SMITH and JUDITH L.)
 SMITH,)
)
 Appellants,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2982

and

DOMINICK C. SAVOCA,)
)
 Appellant,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
-----)

Case No. 2D10-2983

and

ORRIS A. RODAHL,)
)
 Appellant,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
-----)

Case No. 2D10-2984

and

NANCY A. MILLER,)
)
 Appellant,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
-----)

Case No. 2D10-2985

and

NANCY A. MILLER,)
)
 Appellant,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2986

and

GARRY KUHN,)
)
 Appellant,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2989

and

JOHN KOPROWSKI and DANIELLE)
 KOPROWSKI,)
)
 Appellants,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2990

and

JOHN KOPROWSKI and DANIELLE KOPROWSKI,)

Appellants,)

v.)

NATIONAL CREDIT UNION)
ADMINISTRATION BOARD in its capacity)
as liquidating agent for Huron River Area)
Credit Union,)

Appellee.)

-----)

Case No. 2D10-2992

and

SHAYNE P. KING and ERIN L. LYDON-KING,)

Appellants,)

v.)

NATIONAL CREDIT UNION)
ADMINISTRATION BOARD in its capacity)
as liquidating agent for Huron River Area)
Credit Union,)

Appellee.)

-----)

Case No. 2D10-2995

and

CHARISE M. DAVIS,)

Appellant,)

v.)

NATIONAL CREDIT UNION)
ADMINISTRATION BOARD in its capacity)
as liquidating agent for Huron River Area)
Credit Union,)

Appellee.)

-----)

Case No. 2D10-2996

and

JOHN STEVEN BURTON,)
)
 Appellant,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2997

and

THOMAS L. ALTIMAS and LISA)
 GIRARD,)
)
 Appellants,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-2998

and

THOMAS L. ALTIMAS and LISA)
 GIRARD,)
)
 Appellants,)
)
 v.)
)
 NATIONAL CREDIT UNION)
 ADMINISTRATION BOARD in its capacity)
 as liquidating agent for Huron River Area)
 Credit Union,)
)
 Appellee.)
 -----)

Case No. 2D10-3000

CONSOLIDATED

Opinion filed May 9, 2012.

Appeals from the Circuit Court for Sarasota County; Charles E. Williams, Judge.

Dineen Pashoukos Wasylik and G. Wrede Kirkpatrick of Conwell Kirkpatrick, P.A., Tampa, for Appellants.

Laurence S. Litow, Donna K. Knapton, Christopher D. Donovan, and Vijay G. Brijbasi of Roetzel & Andress, LPA, Fort Lauderdale; and Kimberly A. Davis of Roetzel & Andress, LPA, Ft. Myers for Appellee.

MORRIS, Judge.

The homeowners in these seventeen consolidated cases appeal final summary judgments of foreclosure entered in favor of the National Credit Union Administration (NCUA). We affirm the final judgments without comment, with the exception of the portions of the judgments awarding attorney's fees to the NCUA, which we reverse.

At the conclusion of the hearing on the NCUA's motions for summary judgments, the trial court stated that if it ruled in favor of the NCUA on the motions for summary judgments, the court would reserve ruling on the issue of attorney's fees. The parties agreed that they would deal with the issue of attorney's fees later. But no hearing on attorney's fees was ever conducted, and when the trial court entered its final judgments of foreclosure, the trial court found that "based upon the affidavits presented and upon inquiry of counsel for [the NCUA] that 40.45 hours were reasonably expended by [the NCUA's] counsel and that an hourly rate of \$100-\$300 is reasonable."

On appeal, the homeowners argue that they were entitled to a hearing on attorney's fees and that because they did not waive such a hearing, the fee award must be reversed. The NCUA conceded at oral argument that a reversal is necessary on this issue. We agree that because the homeowners did not waive their right to a hearing on attorney's fees, the fee award should be reversed and remanded for a hearing. See Zumpf v. Countrywide Home Loans, Inc., 43 So. 3d 764, 766 (Fla. 2d DCA 2010) (holding that in a foreclosure case, attorney's fees are not liquidated damages and therefore require an evidentiary hearing: "[a]bsent an evidentiary hearing, the fee award will be reversed for a hearing unless there is an indication that the right to a hearing was waived" (citing Guyton v. Leonard Dewey Wilkinson Action Welding Supply, Inc., 707 So. 2d 885, 886 (Fla. 1st DCA 1998))).

Affirmed in part; reversed in part; remanded.

KELLY and CRENSHAW, JJ., Concur.