

Third District Court of Appeal

State of Florida

Opinion filed March 21, 2018.
Not final until disposition of timely filed motion for rehearing.

No. 3D17-98
Lower Tribunal No. 15-28588

Alma R. Gutierrez and Raul Touzon,
Appellants,

vs.

The Bank of New York Mellon, etc.,
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Jacqueline Hogan Scola, Judge.

Benitez & Associates and Leo Benitez and Lizette Benitez, for appellants.

McGuireWoods LLP and Sara F. Holladay-Tobias, Emily Y. Rottmann, and Brittney Lauren Bell (Jacksonville), for appellee.

Before SUAREZ, SCALES, and LUCK, JJ.

ON CONFESSION OF ERROR

PER CURIAM.

Pursuant to the Bank of New York Mellon's partial confession of error, we

reverse the Final Judgment in part on the sole issue of compliance with conditions precedent, and affirm as to all remaining issues on appeal. We remand for further proceedings on the issue of compliance with conditions precedent.

Reversed in part, affirmed in part, and remanded with instructions.