

# Third District Court of Appeal

State of Florida

Opinion filed November 20, 2019.

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No. 3D19-1177  
Lower Tribunal No. 16-22981

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**Branch Banking and Trust Company, etc.,**  
Appellant,

vs.

**Hesed Investments, LLC,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Martin Zilber,  
Judge.

McCalla Raymer Leibert Pierce, LLC, and Charles P. Gufford (Orlando), for  
appellant.

Douglas J. Snyder, P.A., and Douglas J. Snyder, for appellee.

Before SALTER, HENDON and GORDO, JJ.

PER CURIAM.

On Concession of Error

This appeal was initiated by Branch Banking and Trust Company (“BB&T”), plaintiff in a foreclosure case commenced in 2016, from a form order dismissing its case for lack of prosecution. The appellee/mortgagor, Hesed Investments, LLC (“Hesed”), has commendably and properly conceded that BB&T filed a pleading constituting record activity in the case within the 60-day period following the notice of lack of prosecution and order to appear issued by the trial court, thus precluding the involuntary dismissal which followed. Fla. R. Civ. P. 1.420(e); Wilson v. Salamon, 923 So. 2d 363, 368 (Fla. 2005).

Order of dismissal vacated; case reinstated and remanded to the trial court for further proceedings.