

Third District Court of Appeal

State of Florida

Opinion filed September 9, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-2254
Lower Tribunal No. 17-11405

WC WH Delaware 1, LLC, et al.,
Appellants,

vs.

Colony American Finance 2016-2, Ltd.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Barbara Areces,
Judge.

Quintairos, Prieto, Wood & Boyer, P.A., and Reginald J. Clyne and Michelle
D. Cofiño, for appellants.

Adams and Reese LLP, and Donald A. Mihokovich and Kenneth M. Curtin
(Tampa); Lerman & Whitebook, P.A., and Carlos D. Lerman (Hollywood), for
appellee.

Before EMAS, C.J., and SCALES and LOBREE, JJ.

PER CURIAM.

WC WH Delaware 1, LLC and WC WH Holdings, LLC, the co-defendants/counter-plaintiffs below, appeal entry of final summary judgment of foreclosure and reformation in favor of the plaintiff/counter-defendant below, Colony American Finance 2016-2, Ltd. Because the original promissory note was not tendered at the summary judgment hearing,¹ we vacate the final judgment of foreclosure and remand with directions for the trial court to receive the original promissory note in evidence, after which the lower court will be authorized to reconfirm the final judgment. See Figueredo v. Bank Espirito Santo, 537 So. 2d 1113, 1113 (Fla. 3d DCA 1989). We affirm the final judgment in all other respects.

Affirmed in part; reversed in part and remanded with instructions.

¹ The appellees filed their notice of appeal in this Court on November 21, 2019. At a December 18, 2019 hearing, the trial court accepted the original promissory note and allonges and cancelled the original note *nunc pro tunc* to the date of the final judgment.