

Third District Court of Appeal

State of Florida

Opinion filed September 30, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-141
Lower Tribunal No. 18-8348

El Shaddai Real Estate Investments, LLC,
Appellant,

vs.

U.S. Bank National Association, etc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, William Thomas,
Judge.

Bartlett Legal, PLLC, and Philip Bartlett, for appellant.

Kass Shuler, P.A., and Richard S. McIver (Tampa), for appellee.

Before FERNANDEZ, HENDON and GORDO, JJ.

PER CURIAM.

Affirmed. See § 702.015(4), Fla. Stat. (2019) (“If the plaintiff is in possession of the original promissory note, the plaintiff must file under penalty of perjury a certification with the court, contemporaneously with the filing of the complaint for foreclosure, that the plaintiff is in possession of the original promissory note. . . . The **original** note and the allonges must be filed with the court **before the entry of any judgment** of foreclosure or judgment on the note.” (emphasis added)); Fla. R. Civ. P. 1.510(c) (“The movant must serve the motion **at least 20 days before** the time fixed for the hearing, and must also serve at that time a **copy** of any summary judgment evidence on which the movant relies that has not already been filed with the court.” (emphasis added)); see also Orrego v. Citibank, N.A., 276 So. 3d 1004 (Fla. 3d DCA 2019) (“A trial court does not abuse its discretion in granting a motion for summary judgment, despite the pendency of discovery, where the non-moving party has failed to act diligently in taking advantage of discovery opportunities.” (quoting Congress Park Office Condos II, LLC v. First-Citizens Bank & Tr. Co., 105 So. 3d 602, 608 (Fla. 4th DCA 2013))).