

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

BANK OF NEW YORK MELLON, ETC.,

Appellant,

v.

Case No. 5D14-4470

JEFFREY S. BALOUN, ET AL.,

Appellees.

_____ /

Opinion filed May 27, 2016

Appeal from the Circuit Court
for Brevard County,
Lisa Davidson, Judge.

Erin M. Berger, of Kelley Kronenberg,
Tampa, for Appellant.

Beau Bowin, of Bowin Law Group, West
Melbourne, for Appellees.

PER CURIAM.

The Bank of New York Mellon appeals from the order dismissing its foreclosure action against Jeffrey S. Baloun and Sara Ross Hardy-Baloun on the grounds that the default letter did not comply with the notice requirement set forth in paragraphs 20 and 22 of the mortgage. Because Bank's letter substantially complied with its notice obligations under the mortgage, we reverse and remand for further proceedings. See Bank of N.Y. Mellon v. Johnson, 185 So. 3d 594, 597 (Fla. 5th DCA 2016); Diaz v. Wells

Fargo Bank, N.A., 41 Fla. L. Weekly D890 (Fla. 5th DCA April 8, 2016); Green Tree Servicing, LLC v. Milam, 177 So. 3d 7, 14-15 (Fla. 2d DCA 2015); Bank of America v. Cadet, 183 So. 3d 477, 478 (Fla. 3d DCA 2016); Suntrust Mortg., Inc. v. Garcia, 186 So. 3d 1036 (Fla. 3d DCA 2016).

REVERSED AND REMANDED.

BERGER, WALLIS, and LAMBERT, JJ., concur.