

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DEUTSCHE BANK NATIONAL
TRUST CO.,

Appellant,

v.

MARK CHRISTIAN
GOMBERT, AS CO-TRUSTEE
OF THE CHRISTIAN W.
GOMBERT FAMILY TRUST
DATED JANUARY 23, 2001,
GREGORY DEAN GOMBERT
AS CO-TRUSTEE OF THE
CHRISTIAN W. GOMBERT
FAMILY TRUST DATED
JANUARY 23, 2001, CHRISTY
CHRISTINE GOMBERT a/k/a
CHRISTY C. GOMBERT,
RUSSELL W. GOMBERT,
PAUL JASON GOMBERT,
TAMMY D. GOMBERT AND
ERIC STEPHEN GOMBERT, et
al.,

Appellees.

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

CASE NO. 1D13-2563

Opinion filed April 2, 2014.

An appeal from the Circuit Court for Duval County.
A.C. Soud, Jr., Judge.

Kimberly N. Hopkins of Shapiro, Fishman & Gache, LLP, Tampa, for Appellant.

No appearance, for Appellees.

PER CURIAM.

The trial court dismissed the foreclosure complaint of appellant Deutsche Bank National Trust Company because, as the final order states, “there has been no record activity for a year as of December 19, [2012].” However, appellant had moved to amend the complaint on November 1, 2012, and the trial court granted that amendment on the same date. The motion to amend was a sufficient filing to avoid dismissal for failure to prosecute under rule 1.420(e), Florida Rules of Civil Procedure. Chemrock Corp. v. Tampa Elec. Co., 71 So. 3d 786 (Fla. 2011).

The final order of dismissal is REVERSED, and the cause is REMANDED for further proceedings consistent with this opinion.

WOLF, VAN NORTWICK, and MARSTILLER, JJ., CONCUR.