

# **Third District Court of Appeal**

## **State of Florida, July Term, A.D. 2013**

Opinion filed November 27, 2013.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D13-1462  
Lower Tribunal No. 08-81569

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**Escelia Timeus,**  
Appellant,

vs.

**Wells Fargo Bank, N.A.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, John W. Thornton, Jr., Judge.

Philippe Symonovicz (Fort Lauderdale), for appellant.

Broad and Cassel and Francisco Armada, and Beverly A. Pohl (Fort Lauderdale), for appellee.

Before SHEPHERD, C.J., and SALTER and LOGUE, JJ.

PER CURIAM.

We reverse the final judgment of foreclosure in this case on the basis that the earlier entered default was improper. See Visoly v. Kluger, Peretz, Kaplan &

Berlin, 707 So. 2d 427, 428 (Fla. 3d DCA 1998) (concluding, when a default is based on failure to follow a court order, the court must find the failure to comply was “deliberate and in contumacious disregard of the court’s authority”).

Reversed and remanded for further proceedings.