

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

DEUTSCHE BANK NATIONAL TRUST COMPANY  
AS TRUSTEE FOR ARGENT SECURITIES, INC.,  
ASSET-BACKED PASS-THROUGH CERTIFICATES,  
SERIES 2005-W4,

Appellant,

v.

Case No. 5D16-2983

MYLES P. CORRIGAN, DEBORAH A. SMITH  
AND ROCK SPRINGS RIDGE  
HOMEOWNERS ASSOCIATION,

Appellees.

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Opinion filed December 8, 2017

Appeal from the Circuit Court  
for Orange County,  
Donald A. Myers, Jr., Judge.

W. Bard Brockman, of Bryan Cave LLP,  
Atlanta, Georgia, and Zina Gabsi, of Bryan  
Cave LLP, Miami, for Appellant.

Tanner Andrews, of Tanner Andrews, P.A.,  
Deland, for Appellees, Myles P. Corrigan  
and Deborah A. Smith.

No Appearance for other Appellee.

PER CURIAM.

Deutsche Bank National Trust Company ("Bank") appeals the final judgment  
dismissing its foreclosure complaint against Myles P. Corrigan and Deborah A. Smith as

barred by the statute of limitations under Hicks v. Wells Fargo Bank, N.A., 178 So. 3d 957, 959 (Fla. 5th DCA 2015). Because Hicks is limited to cases where the bank relies on a single default outside the limitations period, see Klebanoff v. Bank of N.Y. Mellon, 228 So. 3d 167, 168-69 (Fla. 5th DCA 2017), it is inapplicable here. In this case, Bank's foreclosure action alleges not just the initial default, which is outside the five-year limitations period, but subsequent defaults as well. Thus, the statute of limitations does not bar Bank's foreclosure action, and it was error to conclude otherwise. Id. Accordingly, we reverse the final judgment under review and remand for further proceedings.

REVERSED and REMANDED.

SAWAYA, BERGER and LAMBERT, concur.