

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**SHARLENE HAMPTON LEWIS,**  
Appellant,

v.

**U.S. BANK NATIONAL ASSOCIATION,** as Trustee for the Registered  
Holders of ABFC 2007-WMC 1 Trust, Asset-Backed Certificates, Series  
2007-WMC1,  
Appellee.

No. 4D14-815

[March 9, 2016]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,  
Broward County; Jeffrey E. Streitfeld, Judge; L.T. Case No. CACE-08-  
057939 (11).

Bruce Jacobs, Court E. Keeley, Amida U. Frey, and Anna C. Morales of  
Jacobs Keeley, PLLC, Miami, for appellant.

Diana B. Matson of Baker, Donelson, Bearman, Caldwell & Berkowitz,  
PC, Fort Lauderdale, for appellee.

*ON MOTION FOR REHEARING*

PER CURIAM.

We grant appellant's motion for rehearing, withdraw our per curiam  
affirmance, and enter the following opinion.

In 2008, appellee bank filed a foreclosure action and included a count  
seeking to reestablish a lost note. No copy of the original note was  
attached to the complaint. The case went to trial in 2014. The  
endorsements on an allonge to the note were undated and the bank's  
witness could not testify when the endorsements were placed on the  
allonge. The bank's reliance on a pooling and servicing agreement was  
insufficient to establish the bank's standing to bring suit at the time the  
suit was filed. See *Jarvis v. Deutsche Bank Nat'l Trust Co.*, 169 So. 3d 194,  
196 (Fla. 4th DCA 2015); *Balch v. Lasalle Bank N.A.*, 171 So. 3d 207, 209

(Fla. 4th DCA 2015); *Perez v. Deutsche Bank Nat'l Trust Co.*, 174 So. 3d 489, 491 (Fla. 4th DCA 2015).

*Reversed and remanded.*

GROSS, GERBER and KLINGENSMITH, JJ., concur.

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