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What is Wrong with Florida's Third District Court of Appeal?

Statistics from every Florida District Court of Appeal show something is wrong with the Third District's handling of foreclosure cases.

Fort Lauderdale, Florida (February 8, 2018) – Statistics reveal what experienced Florida foreclosure attorneys already know, the Third District Court of Appeal has an issue properly adjudicating foreclosure cases. As detailed in one of the attached spreadsheets, of its sixteen written opinions addressing standing¹ in recent-era foreclosure cases, *the Third District has only ruled for a property owner twice. 66 Team, LLC v. JPMorgan Chase Bank Nat. Ass'n*, 187 So. 3d 929 (Fla. 3d DCA 2016) and *Riocabo v. Fed. Nat'l Mortgage Ass'n*, 230 So. 3d 579 (Fla. 3d DCA 2017). (Consider that in *66 Team*, the bank *did not admit any documents or evidence* at trial to prove its case. And in *Riocabo*, the bank confessed error - admitting that it must lose on appeal.)

Yet, every other district in the state has ruled for property owners in the overwhelming majority of its cases, and have issued far more written opinions. The attached chart tabulates and summarizes every Florida appellate written foreclosure opinion on standing over the course of the “foreclosure crisis.”

The neighboring Fourth District has issued 120 written foreclosure opinions on standing, 87 (73%) have been in favor of property owners. On this same issue, the Second District has issued 43 written opinions, 36 (84%) have been for property owners; the First District has ruled for owners 83% of the time; and the Fifth District has found for owners 72% of the time.

But, the Third District has ruled for a property owner only twice (13%). It's also noteworthy that the Third has only issued sixteen written foreclosure opinions on standing – the fewest of any appellate court in the state. There is apparently no justifiable way to explain this.

Law Offices of Evan M. Rosen, P.A. is a law firm that helps people defend against foreclosure and fight improper debt collection.

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If you would like more information about this topic, please call Evan M. Rosen at 855-55-ROSEN, or email erosen@evanmrosen.com.

¹ Standing is a legal determination that the party bringing the lawsuit is entitled to do so. In foreclosures, this often hinges on who had possession of the promissory note when suit was filed, and to whom the note was payable. Due to banks frequently transferring loans, this has been a major problem. So much so that our state's legislature and Supreme Court enacted special rules and statutes to address it. *Requiring an entity to prove its case before taking another's property is a constitutional issue.* The statistics from all but the Third District demonstrate the depth of this problem and the seriousness with which the other courts have addressed it.

Tabulation of All Florida Appellate Level Written Opinions Addressing Standing In Modern-Era Foreclosure Cases

	Total	Wins for Owner	Win for Bank	% of Wins for Owner	% of Wins for Bank
1st DCA	18	15	3	83.3%	16.7%
2nd DCA	43	36	7	83.7%	16.3%
3rd DCA	16	2	14	12.5%	87.5%
4th DCA	120	87	33	72.5%	27.5%
5th DCA	39	28	11	71.8%	28.2%

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
1D	<i>Booker v. Sarasota, Inc.</i> , 707 So. 2d 886 (Fla. 1st DCA 1998)	SJ for P reversed b/c it failed to prove standing. Note was indorsed to P from an alleged receiver, but there was no endorsement to the receiver	Property Owner
1D	<i>Ham v. Nationstar Mortg., LLC</i> , 164 So. 3d 714 (Fla. 1st DCA 2015)	FJ for P reversed - no standing at inception	Property Owner
1D	<i>Hunter v. Aurora Loan Services, LLC</i> , 137 So. 3d 570 (Fla. 1st DCA 2014)	FJ for P reversed - no evidence that P has possession of Note, purchase or transfer	Property Owner
1D	<i>Kelly v. Bank of New York Mellon</i> , 170 So. 3d 145 (Fla. 1st DCA 2015)	FJ for P reversed - no evidence of indorsement at time of suit - testimony of collateral file not enough - testimony that P was holder not enough	Property Owner
1D	<i>Kiefert v. Nationstar Mortg., LLC</i> , 153 So. 3d 351 (Fla. 1st DCA 2014)	FJ for P reversed - substituted P must demonstrate original P had standing at inception	Property Owner
1D	<i>Kyser v. Bank of Am., N.A.</i> , 186 So. 3d 58 (Fla. 1st DCA 2016)	FJ for P reversed - testimony as to merger without acquiring all assets not enough, witness did not know when possessed or when indorsed	Property Owner
1D	<i>Lacombe v. Deutsche Bank Nat. Tr. Co.</i> , 149 So. 3d 152 (Fla. 1st DCA 2014)	FJ for P reversed and remand for IVD - failure to prove standing at inception - POA, PSA-special indorse req ind and posses-no auth or biz record foundation by current loan servicer for prior record-no second chances	Property Owner
1D	<i>Lindsey v. Wells Fargo Bank, N.A.</i> , 139 So. 3d 903 (Fla. 1st DCA 2013)	SJ for P reversed - AOM not mentioning the note is not enough for SJ where note not endorsed	Property Owner
1D	<i>Mazine v. M & I Bank</i> , 67 So. 3d 1129 (Fla. 1st DCA 2011)	FJ for P reversed - no standing	Property Owner
1D	<i>Morelli v. Chase Home Fin., LLC</i> , 197 So. 3d 651 (Fla. 1st DCA 2016)	FJ for P reversed and remand for IVD - Confession of Error on Standing	Property Owner
1D	<i>Pennington v. Ocwen Loan Servicing, LLC</i> , 151 So. 3d 52 (Fla. 1st DCA 2014)	FJ for P reversed - AOM referencing only the M not enough - must have standing at inception and throughout - specifically indorsed requires indorsement	Property Owner
1D	<i>Poag v. Nationstar Mortg., LLC</i> , 198 So. 3d 1002 (Fla. 1st DCA 2016)	FJ for P reversed - P failed to prove lost note count - Denied req for relief from blown RFAs never cross appealed	Property Owner
1D	<i>Seidler v. Wells Fargo Bank, N.A.</i> , 179 So. 3d 416 (Fla. 1st DCA 2015)	FJ for P reversed - must prove up lost note for lost page, non-party servicer in possession useless, AOM with note useless, new P must prove original Ps possession	Property Owner
1D	<i>Walton v. Deutsche Bank Nat. Tr. Co.</i> , 201 So. 3d 831 (Fla. 1st DCA 2016)	FJ for P reversed and remand for IVD - testimony of loan analyst not enough - no personal knowledge of possession or endorsement - no evidence	Property Owner
1D	<i>Wells Fargo Bank, N.A. v. Robinson</i> , 168 So. 3d 1279 (Fla. 5th DCA 2015)	IVD affirmed - Lost Note elements - no proof that P was entitled to enforce when lost or got it from someone who was entitled when lost	Property Owner
2D	<i>BAC Funding Consortium Inc. ISAOA/ATIMA v. Jean-Jacques</i> , 28 So. 3d 936 (Fla. 2d DCA 2010)	Note payable to original lender, no indorsement to P or other evidence that P purchased or was entitled to foreclose.	Property Owner
2D	<i>Barry v. Vantium Capital, Inc.</i> , 198 So. 3d 43 (Fla. 2d DCA 2015)	FJ for P reversed - P seeking deficiency must prove its standing to do so - i.e. right was transferred from judgment holder	Property Owner
2D	<i>Buckingham v. Bank of Am., N.A.</i> , 230 So. 3d 923 (Fla. 2d DCA 2017)	FJ for P reversed, remand for IVD - endorse as per merger is anomalous indorsement - no proof of agency where note indorsed to another party	Property Owner
2D	<i>Caballero v. U.S. Bank Nat. Ass'n ex rel. RASC 2006-EMX7</i> , 189 So. 3d 1044 (Fla. 2d DCA 2016)	SJ for P reversed, allonge at SJ different than attached to complaint - AOM not enough only assigned M	Property Owner
2D	<i>Correa v. U.S. Bank N.A.</i> , 118 So. 3d 952 (Fla. 2d DCA 2013)	FJ for P reversed and remanded for IVD - lost note elements not proven	Property Owner
2D	<i>Corrigan v. Bank of Am., N.A.</i> , 189 So. 3d 187 (Fla. 2d DCA 2016), reh'g denied (Mar. 22, 2016)	FJ for P reversed - no standing at inception	Property Owner
2D	<i>Creadon v. U.S. Bank N.A.</i> , 166 So. 3d 952 (Fla. 2d DCA 2015)	FJ for P reversed - note filed with court prior to sub, thus new P could not have been holder at time of sub	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
2D	<i>Cutler v. U.S. Bank Nat. Ass'n</i> , 109 So. 3d 224 (Fla. 2d DCA 2012)	SJ for P reversed - sj not proper where note later appeared with an undated allonge	Property Owner
2D	<i>Dhanik v. HSBC Bank USA, Nat. Ass'n</i> , 210 So. 3d 113 (Fla. 2d DCA 2016)	FJ for P reversed and remanded for IVD - copy on complaint had no indorsement - copy at trial had blank - no evidence as to when indorsed	Property Owner
2D	<i>Dickson v. Roseville Properties, LLC</i> , 198 So. 3d 48 (Fla. 2d DCA 2015)	FJ for P reversed and remanded for IVD - no proof by substituted P of original P's standing	Property Owner
2D	<i>DiGiovanni v. Deutsche Bank Nat'l Tr. Co.</i> , 226 So. 3d 984 (Fla. 2d DCA 2017), reh'g denied (May 16, 2017)	FJ for P reversed and remanded for IVD - Judge crossed the line by doing his own internet research to show standing via specific endorsement to another entity	Property Owner
2D	<i>Eaddy v. Bank of Am., N.A.</i> , 197 So. 3d 1278 (Fla. 2d DCA 2016)	FJ for P reversed - no standing at inception, unendorsed note at suit	Property Owner
2D	<i>Eagles Master Ass'n, Inc. v. Bank of Am., N.A.</i> , 198 So. 3d 12 (Fla. 2d DCA 2015)	FJ for P reversed - unendorsed note attached to complaint, post dated AOM with predated effective date nor post filed note with indorsement not enough	Property Owner
2D	<i>Feltus v. U.S. Bank Nat. Ass'n</i> , 80 So. 3d 375 (Fla. 2d DCA 2012)	SJ for P reversed - SJ not proper where lost note and P files original endorsed note without amending the complaint	Property Owner
2D	<i>Geweve v. Ventures Tr. 2013-I-H-R</i> , 189 So. 3d 231 (Fla. 2d DCA 2016), review dismissed, SC16-847, 2016 WL 4494435 (Fla. Aug. 26, 2016)	FJ for P reversed - Creadon fact pattern, no standing to enforce	Property Owner
2D	<i>Gonzalez v. Deutsche Bank Nat. Tr. Co.</i> , 95 So. 3d 251 (Fla. 2d DCA 2012)	Must show standing at time of action - post filed note no good	Property Owner
2D	<i>Heller v. Bank of Am., NA</i> , 209 So. 3d 641 (Fla. 2d DCA 2017)	FJ for P reversed and remand for new trial - must surrender original note - cannot testify as to standing w/o Biz record in evidence	Property Owner
2D	<i>Houk v. PennyMac Corp.</i> , 210 So. 3d 726 (Fla. 2d DCA 2017)	SJ for P reversed - trans not needed, sub order not enough, AOM ref all rights not enough, not sworn, verification not enough, contra affs, servicer alone not enough	Property Owner
2D	<i>J-H Home Mortg. Rescue, LLC v. Fed. Nat. Mortg. Ass'n</i> , 184 So. 3d 1168 (Fla. 2d DCA 2015)	FJ for P reversed - no indorsement, no assignment - screen shot not enough - indorsement stamped void	Property Owner
2D	<i>Johnson v. U.S. Bank Nat'l Ass'n</i> , 222 So. 3d 635 (Fla. 2d DCA 2017)	No evidence of holder of note prior to suit - screenshot did not ref note, no MLS, remedy is remand for IVD	Property Owner
2D	<i>Mathis v. Nationstar Mortgage, LLC</i> , 227 So. 3d 189 (Fla. 2d DCA 2017)	FJ for P reversed and remand for IVD - failure to attach the allonge requires IVD - no evidence to support non-holder in poss entitled to enforce (which was not pleaded anyway)	Property Owner
2D	<i>May v. PHH Mortg. Corp.</i> , 150 So. 3d 247 (Fla. 2d DCA 2014)	FJ for P reversed and remand for IVD - unendorsed note with complaint and endorsed note filed 8 months later with no proof of standing at inception not enough - judgment at NJT reversed	Property Owner
2D	<i>McLagan v. Fed. Home Loan Mortg. Corp.</i> , 145 So. 3d 943 (Fla. 2d DCA 2014)	SJ for P reversed - standing need not be raised in an AD but must be raised at trial level to be preserved for appeal - SJ improper on back dated AOM	Property Owner
2D	<i>Olivera v. Bank of Am., N.A.</i> , 141 So. 3d 770 (Fla. 2d DCA 2014)	SJ for P reversed - Subsequent indorsements (no standing at inception) and no accel letter in SJ evidence	Property Owner
2D	<i>Peters v. Bank of New York Mellon</i> , 227 So. 3d 175 (Fla. 2d DCA 2017)	FJ for P reversed and remand for IVD - AOM which does not ref the note not enough for lost note - beneficial interest in M not sufficient - unsub testimony about entitled to enforce not enough	Property Owner
2D	<i>Powers v. HSBC Bank USA, N.A.</i> , 202 So. 3d 121 (Fla. 2d DCA 2016)	FJ for P reversed - PSA not enough as subject loan not part of it - witness DNK when indorsed	Property Owner
2D	<i>Rosa v. Deutsche Bank Nat. Tr. Co.</i> , 191 So. 3d 987 (Fla. 2d DCA 2016)	FJ for P reversed and remand for IVD - WF had note not P trust - no constructive possession as per Phan	Property Owner
2D	<i>Russell v. Aurora Loan Services, LLC</i> , 163 So. 3d 639 (Fla. 2d DCA 2015)	FJ for P reversed and remand for IVD - no standing at incept - note indorsed to another party, POA post dated with no ref to original P and no loan schedule	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
2D	<i>Shaffer v. Deutsche Bank Nat'l Tr. for Am. Home Mortgage Inv. Tr. 2006-1</i> , 42 Fla. L. Weekly D889 (Fla. 2d DCA Apr. 19, 2017)	FJ for P reversed and remand for IVD - post dated LPOA no good, RJN no good for PSA	Property Owner
2D	<i>Sorrell v. U.S. Bank Nat. Ass'n</i> , 198 So. 3d 845 (Fla. 2d DCA 2016), reh'g denied (May 16, 2016)	FJ for P reversed and remand for IVD - no proof of standing at inception - original lost note count, no indorsement	Property Owner
2D	<i>St. Clair v. U.S. Bank Nat. Ass'n</i> , 173 So. 3d 1045 (Fla. 2d DCA 2015)	possession not enough PSA not enough - CT cannot fill in the blanks - standing cannot be presumed b/c of servicing	Property Owner
2D	<i>Stoltz v. Aurora Loan Services, LLC</i> , 194 So. 3d 1097 (Fla. 2d DCA 2016)	FJ for P reversed and remand for IVD - no proof original P possessed note at inception - no note attached to complaint - AOM might have done it but it was never admitted into evidence	Property Owner
2D	<i>Strominger v. Bank of New York</i> , 212 So. 3d 1058, 1059 (Fla. 2d DCA 2016)	FJ for P reversed and remand for IVD - no evidence of possession at inception - neither fraudulent assignment nor bailee which referenced acct number did it	Property Owner
2D	<i>Tomlinson v. GMAC Mortg.</i> , 173 So. 3d 1121 (Fla. 2d DCA 2015)	FJ for P reversed and remand for IVD - no note attached, post filed note with blank endorsement no good, no testimony of possession, post dated AOM, judicial notice of filing of docs in CT file - contents still hearsay, service transfer letter is not standing	Property Owner
2D	<i>Verizzo v. Bank of New York Mellon</i> , 220 So. 3d 1262 (Fla. 2d DCA 2017)	standing at inception. Unendorsed note appeared after suit was filed, no other evidence of possession at inception.	Property Owner
2D	<i>Winchel v. PennyMac Corp.</i> , 222 So. 3d 639 (Fla. 2d DCA 2017)	FJ for P reversed and remand for FJ for D - no standing at inception	Property Owner
3D	<i>66 Team, LLC v. JPMorgan Chase Bank Nat. Ass'n</i> , 187 So. 3d 929 (Fla. 3d DCA 2016)	FJ for P reversed b/c P did not admit any evidence at trial and did not even file an Answer brief	Property Owner
3D	<i>Riocabo v. Fed. Nat'l Mortgage Ass'n</i> , 230 So. 3d 579 (Fla. 3d DCA 2017)	Reverse SJ based on confession of error re original Ps standing	Property Owner
4D	<i>3709 N. Flagler Drive Prodigy Land Tr. v. Bank of Am., N.A.</i> , 226 So. 3d 1040 (Fla. 4th DCA 2017)	standing of P - Standing = holder or in possession of note.	Property Owner
4D	<i>Alfonso v. JPMorgan Chase Bank, N.A.</i> , 182 So. 3d 930 (Fla. 4th DCA 2016)	FJ for P reversed - successor P failed to prove original P's standing - not indorsed to successor P attached to complaint	Property Owner
4D	<i>Angelini v. HSBC Bank USA, N.A.</i> , 189 So. 3d 202 (Fla. 4th DCA 2016)	FJ for P reversed - failure to prove standing at inception - Ownership irrelevant to holder	Property Owner
4D	<i>Assil v. Aurora Loan Services, LLC</i> , 171 So. 3d 226 (Fla. 4th DCA 2015)	FJ for P reversed - new P must prove standing of prior P - note indorsed to owner, not P - need something from owner to P - maybe servicing agreement	Property Owner
4D	<i>Balch v. LaSalle Bank N.A.</i> , 171 So. 3d 207 (Fla. 4th DCA 2015)	FJ for P reversed - 1) no evidence of when note indorsed 2) post dated AOM no good 3) no evidence endorser intend to transfer interest to trustee	Property Owner
4D	<i>Barnett v. U.S. Bank Nat. Ass'n</i> , 186 So. 3d 585 (Fla. 4th DCA 2016)	FJ for P reversed - conflicting evidence as to possession does not get it done	Property Owner
4D	<i>Beacon Place of Coral Springs Condo. Ass'n v. Nationstar Mortg., LLC</i> , 182 So. 3d 834 (Fla. 4th DCA 2016)	FJ for P reversed - PH doesn't prove standing, note indorsed to other co and later indorsed in blank not enough, no proof of servicing right	Property Owner
4D	<i>Boyd v. Wells Fargo Bank, N.A.</i> , 143 So. 3d 1128 (Fla. 4th DCA 2014)	FJ for P reversed - no standing at inception	Property Owner
4D	<i>Braga v. Fannie Mae</i> , 187 So. 3d 1272 (Fla. 4th DCA 2016), reh'g denied (Apr. 27, 2016)	FJ for P reversed - allonge with indorsement in blank not attached to original complaint later shows up with no testimony	Property Owner
4D	<i>Bristol v. Wells Fargo Bank, Nat. Ass'n</i> , 137 So. 3d 1130 (Fla. 4th DCA 2014)	SJ for P reversed - issue of fact as to whether note indorsed in blank filed 2 years after suit showed standing at inception - note does not follow mortgage	Property Owner
4D	<i>Calvo v. U.S. Bank Nat. Ass'n</i> , 181 So. 3d 562 (Fla. 4th DCA 2015)	FJ for P reversed - no evidence of when indorsement placed - copies of notes do not match	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
4D	<i>Cartwright v. LJI Mortg. Pool, LLC</i> , 185 So. 3d 614 (Fla. 4th DCA 2016)	SJ for P reversed, no proof of possession of blank indorsed note at time of suit, substituted P must prove prior Ps standing	Property Owner
4D	<i>Carty v. Bank of Am., N.A.</i> , 212 So. 3d 395 (Fla. 4th DCA 2017)	SJ for P reversed - two different versions of the note - no explanation and no counter to standing AD	Property Owner
4D	<i>Charley v. Green Tree Servicing, LLC</i> , 125 So. 3d 285 (Fla. 4th DCA 2013)	SJ for P reversed - no standing at inception proven	Property Owner
4D	<i>Chery v. Bank of Am., N.A.</i> , 183 So. 3d 1253 (Fla. 4th DCA 2016)	FJ for P reversed- no note attached - no evidence of when indorsed or possessed	Property Owner
4D	<i>Craven-Lazarus v. Pennymac Holdings, LLC</i> , 199 So. 3d 1029 (Fla. 4th DCA 2016)	SJ for P reversed - SJ affidavit conflicting with complaint as to who held note requires reversal.	Property Owner
4D	<i>Cromarty v. Wells Fargo Bank, NA</i> , 110 So. 3d 988, 989 (Fla. 4th DCA 2013)	SJ for P reversed - P failed to prove standing at inception.	Property Owner
4D	<i>Cruz v. JPMorgan Chase Bank, Nat. Ass'n</i> , 199 So. 3d 992 (Fla. 4th DCA 2016)	FJ for P reversed - no evidence of possession or indorsement at inception - purchase and assumption does not do it	Property Owner
4D	<i>Darwiche v. Bank of New York Mellon</i> , 185 So. 3d 1261 (Fla. 4th DCA 2016)	SJ for p reversed - no proof of standing at inception - post dated AOM no good	Property Owner
4D	<i>Deutsche Bank Nat. Tr. Co. v. Boglioli</i> , 154 So. 3d 494 (Fla. 4th DCA 2015)	FJ for D Affirmed - no proof of standing at inception - predated AOM	Property Owner
4D	<i>Deutsche Bank Nat. Tr. Co. v. Huber</i> , 137 So. 3d 562 (Fla. 4th DCA 2014)	IVD affirmed - no evidence the note was surrendered	Property Owner
4D	<i>Diroberto v. Bayview Loan Services LLC</i> , 199 So. 3d 526 (Fla. 4th DCA 2016)	FJ for P reversed -WAMU purchase and sale agreement not enough	Property Owner
4D	<i>Dixon v. Express Equity Lending Group, LLLP</i> , 125 So. 3d 965 (Fla. 4th DCA 2013)	FJ for P reversed - note indorsed to someone else	Property Owner
4D	<i>Duke v. HSBC Mortg. Services, LLC</i> , 79 So. 3d 778 (Fla. 4th DCA 2011)	SJ for P reversed - no note in record or file	Property Owner
4D	<i>Elman v. U.S. Bank, N.A.</i> , 204 So. 3d 452 (Fla. 4th DCA 2016)	FJ for P reversed - lost note count and nothing attached to original complaint, PSA unsigned, exhibit 3 refuted testimony of possession and indorsement	Property Owner
4D	<i>Elston/Leetsdale, LLC v. CWC Capital Asset Mgmt. LLC</i> , 87 So. 3d 14 (Fla. 4th DCA 2012)	Order to show cause reversed where P (servicer) did not prove it was real party in interest	Property Owner
4D	<i>Farkas v. U.S. Bank, Nat. Ass'n</i> , 165 So. 3d 796 (Fla. 4th DCA 2015)	FJ for P reversed - no standing at inception - note attached to complaint had no indorsement and no testimony as to when note was indorsed - AOM post dated suit by one day - note attached with indorsement could only go to time of indorsement not posses	Property Owner
4D	<i>Fiorito v. JP Morgan Chase Bank, Nat. Ass'n</i> , 174 So. 3d 519 (Fla. 4th DCA 2015)	FJ for P reversed and remanded for IVD - no evidence of indorsement before suit - no testimony that chase acquired all of WAMUs assets	Property Owner
4D	<i>Fischer v. U.S. Bank Nat. Ass'n</i> , 152 So. 3d 1289, 1290 (Fla. 4th DCA 2015)	FJ for P reversed - no proof of standing at inception, witness did not know who held the note at inception	Property Owner
4D	<i>Focht v. Wells Fargo Bank, N.A.</i> , 124 So. 3d 308 (Fla. 2d DCA 2013)	inception b/c note attached to complaint was different than not at trial and no other proof of possession at inception	Property Owner
4D	<i>Friedle v. Bank of New York Mellon</i> , 226 So. 3d 976 (Fla. 4th DCA 2017)	condition so no Ortiz inference - PSA not enough without the trustee acknowledgement - interim certification	Property Owner
4D	<i>Frost v. Christiana Tr.</i> , 193 So. 3d 1092 (Fla. 4th DCA 2016)	FJ for P reversed - possession but no proof of when indorsed - WAMU-CHASE-FDIC did not prove standing	Property Owner
4D	<i>Gallimore v. Bank of Am., Nat. Ass'n</i> , 184 So. 3d 1242 (Fla. 4th DCA 2016)	FJ for P reversed - must have evidence or circumstantial evidence at least of when note indorsed, proof of possession at inception also a must	Property Owner
4D	<i>Gascue v. HSBC Bank, U.S.A.</i> , 97 So. 3d 263 (Fla. 4th DCA 2012)	SJ for P vacated because D showed excusable neglect and P did not prove standing at inception	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
4D	<i>Guzman v. Deutsche Bank Nat. Tr. Co.</i> , 179 So. 3d 543 (Fla. 4th DCA 2015)	FJ for P reversed - no proof of possession or allonge at inception - relation back does not apply to standing at inception	Property Owner
4D	<i>Ha v. BAC Home Loans Servicing, L.P.</i> , 184 So. 3d 563 (Fla. 4th DCA 2016)	FJ for P reversed - unendorsed note attached to complaint, then later produced with indorsement not enough	Property Owner
4D	<i>Hall v. REO Asset Acquisitions, LLC</i> , 84 So. 3d 388 (Fla. 4th DCA 2012)	SJ for P reversed - P must show record evidence that P had right to enforce before suit was filed	Property Owner
4D	<i>Harris v. HSBC Bank USA, Nat'l Ass'n</i> , 174 So. 3d 600 (Fla. 4th DCA 2015)	FJ for P reversed - no indorsement on original C, indorsed on note with amended C, predated effective date on AOM no good, no witness testimony of when note assigned	Property Owner
4D	<i>Hepworth v. Wells Fargo Bank, N.A.</i> , 180 So. 3d 1170 (Fla. 4th DCA 2015)	FJ for P reversed - PSA doesn't do it, no testimony of when indorsed via allonge - loan no on PSA MLS diff from note	Property Owner
4D	<i>Jallali v. Christiana Tr.</i> , 200 So. 3d 149 (Fla. 4th DCA 2016)	FJ for P reversed - clarified the remedy - must prove possession and indorsement prior to suit - post dated AOM useless	Property Owner
4D	<i>Jarvis v. Deutsche Bank Nat. Tr. Co.</i> , 169 So. 3d 194 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - no standing at inception, although there was evidence that the note was physically transferred into a trust prior to the complaint being filed, physical transfer by itself not enough - no indorsements and no assignment.	Property Owner
4D	<i>Jelic v. BAC Home Loans Servicing, LP</i> , 178 So. 3d 523 (Fla. 4th DCA 2015)	FJ for P reversed - can't transfer the note via an AOM, even if it references the note - need proof of time of indorsement if it doesn't match the complaint	Property Owner
4D	<i>Jelic v. LaSalle Bank, Nat. Ass'n</i> , 160 So. 3d 127 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - no note attached one month later NOF with no indorsement, 2nd AOM after suit, PSA did not define servicing, PSA does not prove intent to transfer	Property Owner
4D	<i>Joseph v. BAC Home Loans Servicing, LP</i> , 155 So. 3d 444 (Fla. 4th DCA 2015)	FJ for P reversed and remand for dismissal of complaint - no proof of standing at inception	Property Owner
4D	<i>Kenney v. HSBC Bank USA, Nat. Ass'n</i> , 175 So. 3d 377 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - no endorsement, then in blank at trial, no testimony of when endorsement was placed, procedures from servicer not enough, post dated AOM not enough, ambiguous testimony of ownership	Property Owner
4D	<i>LaFrance v. U.S. Bank Nat. Ass'n</i> , 141 So. 3d 754 (Fla. 4th DCA 2014)	SJ for P reversed - unendorsed note and then note indorsed at MSJ without anything else does not prove standing at inception	Property Owner
4D	<i>Lamb v. Nationstar Mortg., LLC</i> , 174 So. 3d 1039 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - AOM of Mortgage only not enough, testimony of purchase of prior co not enough, no standing at time of judgment	Property Owner
4D	<i>Lewis v. U.S. Bank Nat. Ass'n</i> , 188 So. 3d 46 (Fla. 4th DCA 2016)	FJ for P reversed - 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	Property Owner
4D	<i>Lloyd v. Bank of New York Mellon</i> , 160 So. 3d 513 (Fla. 4th DCA 2015)	FJ for P reversed - standing at inception not proven with note indorsement on NOF which is different from indorsement on copy of note attached to comp - back dated AOM not proof	Property Owner
4D	<i>Luiz v. Lynx Asset Services, LLC</i> , 198 So. 3d 1102 (Fla. 4th DCA 2016)	standing at inception by initial P - no note attached to initial complaint - in alt no proof that original lender transferred under sub 2 - applies to holder and lost note theories	Property Owner
4D	<i>Magaldi v. Deutsche Bank Nat. Tr. Co.</i> , 199 So. 3d 982 (Fla. 4th DCA 2016)	FJ for P reversed - PSA doesn't prove indorsement	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
4D	<i>Matthews v. Fed. Nat. Mortg. Ass'n</i> , 160 So. 3d 131 (Fla. 4th DCA 2015)	FJ for P reversed - affs on standing only for SJ-FN2 - note with no endorsement on complaint payable to BOA then indorsed on original at time of trial, backdated AOM-no good - PH and POA useless	Property Owner
4D	<i>McLean v. JP Morgan Chase Bank Nat. Ass'n</i> , 79 So. 3d 170 (Fla. 4th DCA 2012)	SJ for P reversed - must prove you had standing at time of filing	Property Owner
4D	<i>Miller v. Wells Fargo Bank, N.A.</i> , 193 So. 3d 1108, 1109 (Fla. 4th DCA 2016)	FJ for P reversed and remand for IVD - confession of error - witness testified that someone other than trust held note	Property Owner
4D	<i>Monnot v. U.S. Bank, Nat. Ass'n</i> , 188 So. 3d 896 (Fla. 4th DCA 2016)	FJ for P reversed - collateral file does not automatically mean original note is part of it - possession 3 days after suit not good enough - PSA does not do it - note not indorsed with comp and then special indorse at time of trial	Property Owner
4D	<i>Morris v. Deutsche Bank Nat. Tr. Co.</i> , 182 So. 3d 680 (Fla. 4th DCA 2015)	SJ for P reversed - AOM not enough, not evidence of time of indorsement	Property Owner
4D	<i>Murray v. HSBC Bank USA</i> , 157 So. 3d 355 (Fla. 4th DCA 2015)	FJ for P reversed - nonholder in poss with rights of holder must prove up every step of the chain - also servicing has nothing to do with standing	Property Owner
4D	<i>PennyMac Corp. v. Frost</i> , 214 So. 3d 686 (Fla. 4th DCA 2017)	IVD Affirmed - endorsement was anomalous therefore P was not holder	Property Owner
4D	<i>Peoples v. Sami II Tr. 2006-AR6</i> , 178 So. 3d 67 (Fla. 4th DCA 2015)	at inception - unendorsed note attached, indorsed later filed	Property Owner
4D	<i>Perez v. Deutsche Bank Nat. Tr. Co.</i> , 174 So. 3d 489 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - no note attached, copy indorsed in blank later filed, PSA not enough because no evidence indorsee had intent to transfer interest to trustee	Property Owner
4D	<i>Powell v. Wells Fargo Bank, N.A. for Structured Asset Mortgage Investments II Inc.</i> , 219 So. 3d 828 (Fla. 4th DCA 2017)	FJ for P reversed and remand for IVD - must prove every step of the way for nonholder in possession - no shelter rule	Property Owner
4D	<i>Reynolds v. Nationstar Loan Services, LLC</i> , 190 So. 3d 219 (Fla. 4th DCA 2016)	FJ for P reversed and remand for IVD - no testimony as to when indorsements placed	Property Owner
4D	<i>Rigby v. Wells Fargo Bank, N.A.</i> , 84 So. 3d 1195 (Fla. 4th DCA 2012)	SJ for P reversed - post dated assignment and note indorsed in blank not enough to show standing at time of suit	Property Owner
4D	<i>Roberto v. U.S. Bank Tr., N.A.</i> , 194 So. 3d 429 (Fla. 4th DCA 2016)	FJ for P reversed - P did not prove that it obtained note from entity entitled to enforce - allonge by POA after the note was lost was not enough to get it done	Property Owner
4D	<i>Rodriguez v. Wells Fargo Bank, N.A.</i> , 178 So. 3d 62 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - unendorsed attached, indorsed later filed, no testimony as to time of indorsement, testimony of presuit possession allowed	Property Owner
4D	<i>Russell v. BAC Home Loans Servicing, LP</i> , 42 Fla. L. Weekly D2496 (Fla. 4th DCA Nov. 29, 2017)	Different endorsement at SJ and in complaint with no explanation in SJ affidavit - reverse SJ	Property Owner
4D	<i>Ryan v. Wells Fargo Bank, N.A.</i> , 142 So. 3d 974 (Fla. 4th DCA 2014)	FJ for P reversed - note in record indorsed in blank - not surrendered at trial not indorsed - no evidence of standing at inception at trial	Property Owner
4D	<i>Sabido v. Bank of New York Mellon</i> , 43 Fla. L. Weekly D17 (Fla. 4th DCA Dec. 20, 2017)	FJ for P reversed, remand for IVD - P did not prove elements for lost note	Property Owner
4D	<i>Salmon v. Foreclosed Asset Sales & Transfer P'ship</i> , 162 So. 3d 1142 (Fla. 4th DCA 2015)	SJ for P reversed - question of fact as to standing based on note transferred 20 days before suit to another party	Property Owner
4D	<i>Sanchez v. Suntrust Bank</i> , 179 So. 3d 538 (Fla. 4th DCA 2015)	FJ for P reversed - testimony that subsidiary of parent company (who was the P) had standing not enough to prove standing of P absent evidence of parent-subsiary relationship	Property Owner
4D	<i>Saver v. JP Morgan Chase Bank</i> , 114 So. 3d 352 (Fla. 4th DCA 2013)	SJ for P reversed - no evidence of standing at inception	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
4D	<i>Seffar v. Residential Credit Sols., Inc.</i> , 160 So. 3d 122 (Fla. 4th DCA 2015)	FJ for P reversed - note attached payable to ABN, no indorse-allonge - 9 months post NOF with blank allonge- no proof affixed- no proof of holder or nonholder via AOM- sub 2- need to prove every txfr	Property Owner
4D	<i>Segall v. Wachovia Bank, N.A.</i> , 192 So. 3d 1241 (Fla. 4th DCA 2016)	FJ for P reversed and remand for IVD - lay person's testimony of merger not enough - must introduce docs - must also show all assets or the particular subject note	Property Owner
4D	<i>Septimus v. Christiana Tr.</i> , 183 So. 3d 471 (Fla. 4th DCA 2016)	FJ for P reversed - P failed to prove original Ps standing	Property Owner
4D	<i>Servedio v. U.S. Bank Nat. Ass'n</i> , 46 So. 3d 1105 (Fla. 4th DCA 2010)	SJ for P reversed - no proof of standing because copy of the note and aff of ownership not part of the record and the note was not surrendered at time of SJ	Property Owner
4D	<i>Snyder v. JP Morgan Chase Bank, Nat. Ass'n</i> , 169 So. 3d 1270 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD- WAMU FDIC buyout and conflicting testimony not enough	Property Owner
4D	<i>Sosa v. Bank of New York Mellon</i> , 187 So. 3d 943 (Fla. 4th DCA 2016)	FJ for P reversed and remand for IVD- nonholder in possession - internet search not enough to establish relationship between indorsee and P	Property Owner
4D	<i>Sosa v. U.S. Bank Nat. Ass'n</i> , 153 So. 3d 950 (Fla. 4th DCA 2014)	FJ for P reversed and remand for IVD - p failed to establish when it became owner of note - note was lost at inception and later filed	Property Owner
4D	<i>Supria v. Goshen Mortgage, LLC</i> , 42 Fla. L. Weekly D2572 (Fla. 4th DCA Dec. 6, 2017)	FJ for P reversed, remand for FJ for D - reference to 'moneys now owing' does not transfer an interest in the note - no shelter rule for nonholders	Property Owner
4D	<i>Tilus v. AS Michai LLC</i> , 161 So. 3d 1284 (Fla. 4th DCA 2015)	note with indorsement not enough - no mention of what was attached to complaint - need not be owner and holder	Property Owner
4D	<i>Tremblay v. U.S. Bank, N.A.</i> , 164 So. 3d 85 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - Note indorsed in blank- attached to complaint not enough if servicer is in possession at inception - not P-Bank	Property Owner
4D	<i>Venture Holdings & Acquisitions Group, LLC v. A.I.M. Funding Group, LLC</i> , 75 So. 3d 773 (Fla. 4th DCA 2011)	SJ for P reversed - even if you are in default, P must still possess original promissory note - lacked standing a inception	Property Owner
4D	<i>Vidal v. Liquidation Props., Inc.</i> , 104 So. 3d 1274 (Fla. 4th DCA 2013)	SJ for P reversed - must be holder prior to lawsuit via dated aom or affidavit	Property Owner
4D	<i>Vogel v. Wells Fargo Bank, N.A.</i> , 192 So. 3d 714 (Fla. 4th DCA 2016)	FJ for P reversed and remand for IVD - note with cancelled indorsement and indorsement in blank not enough - World Savings merger not enough as not could have already been with FNMA who owned	Property Owner
4D	<i>Wright v. Deutsche Bank Nat. Tr. Co.</i> , 152 So. 3d 1289 (Fla. 4th DCA 2015)	FJ for P reversed - no proof of standing at inception - note attached to complaint different that note surrendered at trial	Property Owner
4D	<i>Wright v. JPMorgan Chase Bank, N.A.</i> , 169 So. 3d 251 (Fla. 4th DCA 2015)	FJ for P reversed and remand for IVD - absent agreement parent corp cannot enforce subsidiary's note	Property Owner
4D	<i>Zimmerman v. JPMorgan Chase Bank, Nat.</i> , 134 So. 3d 501 (Fla. 4th DCA 2014)	FJ for P reversed and remand for further proceedings - need proof of standing at inception - no proof, case must be dismissed	Property Owner
5D	<i>7825 Myrtle Oak Lane, LLC v. Bank of New York Mellon</i> , 193 So. 3d 1087 (Fla. 5th DCA 2016)	FJ for P reversed testimony as to the contents of biz records is not evidence - insufficient to prove standing	Property Owner
5D	<i>Bank of New York Mellon Tr. Co., N.A. v. Conley</i> , 188 So. 3d 884 (Fla. 4th DCA 2016)	FJ for D Affirmed - nonholder in possession must prove all links - AOM by MERS after loan in trust not enough	Property Owner
5D	<i>Beaumont v. Bank of New York Mellon</i> , 81 So. 3d 553 (Fla. 5th DCA 2012)	prove its case - items in record not in evidence unless admitted	Property Owner
5D	<i>Bonafide Properties, LLC v. E-Trade Bank</i> , 208 So. 3d 1279 (Fla. 5th DCA 2017)	FJ for P reversed - remand for IVD - P relied on AOM but was signed by itself to itself - no POA admitted	Property Owner
5D	<i>Boumarate v. HSBC Bank USA, N.A.</i> , 109 So. 3d 1239 (Fla. 5th DCA 2013)	SJ for P reversed - P pleaded lost note but did not prove it	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
5D	<i>Boumarate v. HSBC Bank USA, N.A.</i> , 172 So. 3d 535 (Fla. 5th DCA 2015)	FJ for P reversed - note made payable to another party and lost - not enough just to show P had possession before it was lost	Property Owner
5D	<i>Delia v. GMAC Mortg. Corp.</i> , 161 So. 3d 554 (Fla. 5th DCA 2014)	FJ for P reversed and remanded to find lost note and adequate protection	Property Owner
5D	<i>Devries v. CitiMortgage Inc.</i> , 188 So. 3d 909 (Fla. 5th DCA 2016)	FJ for p reversed - no evidence of possession or indorsement prior to suit - post dated AOM not enough	Property Owner
5D	<i>Elsman v. HSBC Bank USA</i> , 182 So. 3d 770 (Fla. 5th DCA 2015)	FJ for P reversed remand for IVD - no evidence of when note indorsed - In txfr history and PSA didn't do it	Property Owner
5D	<i>Figueroa v. Fed. Nat. Mortg. Ass'n</i> , 180 So. 3d 1110 (Fla. 5th DCA 2015)	FJ for P reversed and remanded for IVD - no evidence introduced - IVD proper on lost note, standing, damages and CP	Property Owner
5D	<i>Floyd v. Bank of Am., N.A.</i> , 194 So. 3d 1071 (Fla. 5th DCA 2016)	SJ reversed - Standing at inception was an issue of fact	Property Owner
5D	<i>Ford v. JPMorgan Chase Bank</i> , 175 So. 3d 375 (Fla. 5th DCA 2015)	FJ for P reversed - no standing when witness has no connection to subject loan	Property Owner
5D	<i>Gee v. U.S. Bank Nat. Ass'n</i> , 72 So. 3d 211 (Fla. 5th DCA 2011)	SJ for P reversed - no proof of successor in interest, no proof of reformation	Property Owner
5D	<i>Gomes v. SunTrust Mortg., Inc.</i> , 200 So. 3d 97 (Fla. 5th DCA 2015)	SJ for P reversed - P did not establish standing at inception	Property Owner
5D	<i>Gonzalez v. BAC Home Loans Servicing, L.P.</i> , 180 So. 3d 1106 (Fla. 5th DCA 2015)	FJ for P reversed - testimony of holder at inception not enough - need biz records - PH doesn't prove holder - copy attached no indorse	Property Owner
5D	<i>Gorel v. Bank of New York Mellon</i> , 165 So. 3d 44 (Fla. 5th DCA 2015)	FJ for P reversed - note specifically indorsed to another entity requires possession and indorsement by the entity to P	Property Owner
5D	<i>Green Tree Servicing, LLC v. Atchison</i> , 230 So. 3d 635 (Fla. 5th DCA 2017)	FJ for D affirmed - admissible as verbal act to show standing at time of trial - excluding evidence of lost note not harmful error	Property Owner
5D	<i>Green v. Green Tree Servicing, LLC</i> , 230 So. 3d 989 (Fla. 5th DCA 2017)	FJ for P reversed and remand for IVD - copy did not match, merger b-n differing entities not enough, servicing alone does NOT = standing.	Property Owner
5D	<i>Green v. JPMorgan Chase Bank, N.A.</i> , 109 So. 3d 1285 (Fla. 5th DCA 2013)	SJ for P reversed - note indorsed in blank and filed a year later not enough	Property Owner
5D	<i>Home Outlet, LLC v. U.S. Bank Nat. Ass'n</i> , 194 So. 3d 1075 (Fla. 5th DCA 2016)	FJ for P reversed and remand for IVD - lost note insufficient - no PK aff deficient and not admitted - original lender must prove standing	Property Owner
5D	<i>Khan v. Bank of Am., N.A.</i> , 58 So. 3d 927 (Fla. 5th DCA 2011)	SJ for P reversed - docs conflict - Note indorsed to someone other than P	Property Owner
5D	<i>Lyttle v. BankUnited</i> , 115 So. 3d 425 (Fla. 5th DCA 2013)	SJ for P reversed - P unable to enforce note not made payable to it, indorsed to it or indorsed in blank	Property Owner
5D	<i>Madl v. Wells Fargo Bank, N.A.</i> , 43 Fla. L. Weekly D82 (Fla. 5th DCA Dec. 29, 2017)	establish standing to foreclose mortgage where note attached to complaint was payable to original lender but contained no endorsements	Property Owner
5D	<i>Miller v. Bank of Am., N.A.</i> , 201 So. 3d 1286 (Fla. 5th DCA 2016)	FJ for P reversed and remand for new trial - not enough knowledge as to creation, accuracy or trustworthiness of standing screenshot - no proof of standing - reverse and remand for new trial	Property Owner
5D	<i>Richards v. HSBC Bank USA</i> , 91 So. 3d 233 (Fla. 5th DCA 2012)	SJ for P reversed - allonge to note was inconsistent with assignment and contradicted allegations in complaint that plaintiff was holder of note	Property Owner
5D	<i>Schmidt v. Deutsche Bank</i> , 170 So. 3d 938 (Fla. 5th DCA 2015)	FJ for P reversed and remand for IVD - PSA and MLPA not enough, testimony of records showing possession, without admitting records, not enough to get past lost note count	Property Owner

Written Standing Related Appellate Decisions in Favor of Property Owners

DCA	CASE NAME	DISPOSITION	Who Won
5D	<i>Walsh v. Bank of New York Mellon Tr.</i> , 219 So. 3d 929 (Fla. 5th DCA 2017)	FJ for P reversed and remand for IVD - later filed note indorsed in blank not enough - testimony based on records not in evidence is hearsay	Property Owner
5D	<i>Walters v. Nationstar Mortg., LLC</i> , 180 So. 3d 236 (Fla. 5th DCA 2015)	FJ for P reversed and remand for IVD - subsequent P did not prove prior Ps standing at inception	Property Owner

Written Standing Related Appellate Decisions in Favor of Banks

DCA	CASE NAME	DISPOSITION	Who Won
1D	<i>Clay County Land Tr. No. 08-04-25-0078-014-27, Orange Park Tr. Services, LLC v. JPMorgan Chase Bank, Nat. Ass'n</i> , 152 So. 3d 83 (Fla. 1st DCA 2014)	SJ for P affirmed as to judgment - reversed as to amount - P has standing because copy of note with blank endorsement attached to complaint was enough	Bank
1D	<i>Snowden v. Wells Fargo Bank</i> , 172 So. 3d 506 (Fla. 1st DCA 2015)	trial, the court must presume the trial courts findings were based on sufficient evidence presented (by the witness)	Bank
1D	<i>Wells Fargo Bank, N.A. v. Ousley</i> , 212 So. 3d 1056 (Fla. 1st DCA 2016)	IVD reversed - matching copy of note is good enough - mortgage is a public record and a record re interest in property	Bank
2D	<i>Am. Home Mortg. Servicing, Inc. v. Bednarek</i> , 132 So. 3d 1222 (Fla. 2d DCA 2014)	IVD reversed - P had possession of note endorsed in blank which was enough	Bank
2D	<i>AS Lily LLC v. Morgan</i> , 164 So. 3d 124 (Fla. 2d DCA 2015)	FJ for D reversed - substituted P establishing standing at time of sub is enough	Bank
2D	<i>One W. Bank, F.S.B. v. Bauer</i> , 159 So. 3d 843 (Fla. 2d DCA 2014)	ownership irrelevant, P was in possession and that's all that matters	Bank
2D	<i>OneWest Bank, FSB v. Cummings</i> , 175 So. 3d 827 (Fla. 2d DCA 2015)	IVD reversed and remand for further proceedings - testimony based on out of court records of possession is enough	Bank
2D	<i>Stone v. BankUnited</i> , 115 So. 3d 411 (Fla. 2d DCA 2013)	Standing demonstrated by BankUnited under FDIC sale through testimony of acquiring all assets	Bank
2D	<i>Taylor v. Bayview Loan Servicing, LLC</i> , 74 So. 3d 1115 (Fla. 2d DCA 2011)	SJ for P reversed on other issues BUT Ct held that P has standing to foreclose	Bank
2D	<i>Wells Fargo Delaware Tr. Co., N.A. for Vericrest Opportunity Loan Tr. 201-NPLI v. Petrov</i> , 230 So. 3d 575 (Fla. 2d DCA 2017)	IVD reversed - Do not need to offer evidence to prove reverse elston - servicer can show up and testify for P w- o POA	Bank
3D	<i>Bank of New York Mellon v. Beaufort</i> , 42 Fla. L. Weekly D2596 (Fla. 3d DCA Dec. 13, 2017)	IVD reversed, remand for FJ for P - P proved standing with complaint allegations and cert. of possession	Bank
3D	<i>Bank of New York Tr. Co., N.A. v. Rodgers</i> , 79 So. 3d 108 (Fla. 3d DCA 2012)	MIVD reversed because D never objected in any way to P's Motion to be substituted as the "real party in interest" AND even if D has not waived standing, P did prove entitlement to enforce lost note in at least 3 ways	Bank
3D	<i>Cabrillo Dev., LLC v. Bayview Loan Servicing, LLC</i> , 193 So. 3d 4 (Fla. 3d DCA 2015)	FJ for P Affirmed - P proved it had standing as holder in due course	Bank
3D	<i>Calixte v. Fed. Nat'l Mortgage Ass'n</i> , 211 So. 3d 1084 (Fla. 3d DCA 2017)	FJ for P upheld. Case remanded only for Ct to find adequate protection	Bank
3D	<i>Citibank, N.A. v. Olsak</i> , 208 So. 3d 227 (Fla. 3d DCA 2016), reh'g denied (Dec. 21, 2016), review denied, SC17-10, 2017 WL 2590706 (Fla. June 15, 2017)	IVD reversed - expert can't testify as to legal conclusions - standing in the 3rd - possession, if you are not the Orig lender - D can't use the PSA	Bank
3D	<i>Deutsche Bank Nat'l Tr. Co. v. Mobley</i> , 212 So. 3d 511 (Fla. 3d DCA 2017), review denied, SC17-648, 2017 WL 2945846 (Fla. July 11, 2017)	IVD reversed and remand for further proceedings- Copy indorsed in blank attached, then with spec ind at trial, coupled with testimony of possession by P at inception was enough - citation to Phan even if serv had poss	Bank
3D	<i>Fed. Nat. Mortg. Ass'n v. McFadyen</i> , 194 So. 3d 418 (Fla. 3d DCA 2016), reh'g denied (May 31, 2016)	FJ for D reversed and remand for FJ for P - judgment for P on a lost note using constructive possession - affidavit attached to biz records cert allowed to be used as evidence	Bank
3D	<i>Guerrero v. Chase Home Fin., LLC</i> , 83 So. 3d 970 (Fla. 3d DCA 2012)	FJ for P reversed BUT remanded for reestablishment of lost note and mortgage count - must surrender note but can amend if note lost before trial but must prove up prongs of lost note	Bank
3D	<i>HSBC Bank USA, N.A. v Buset</i> , 43 Fla. L. Weekly D305a (Fla. 3d DCA Feb. 7, 2018)	Judgment Reversed - Standing as holder with specific indorsement	Bank
3D	<i>Mortgage Elec. Registration Sys., Inc. v. Revoredo</i> , 955 So. 2d 33 (Fla. 3d DCA 2007)	IVD reversed and remand for further proceedings - MERS can have standing	Bank
3D	<i>Nationstar Mortg., LLC v. Marquez</i> , 180 So. 3d 219 (Fla. 3d DCA 2015)	IVD reversed and remand for entry of FJ for P - Chibnik testified to lost note prongs - dismissal reversed	Bank

Written Standing Related Appellate Decisions in Favor of Banks

DCA	CASE NAME	DISPOSITION	Who Won
3D	<i>PNC Bank, N.A. v. Clark</i> , 211 So. 3d 265 (Fla. 3d DCA 2017), reh'g denied (Mar. 6, 2017), review denied, SC17-603, 2017 WL 2950864 (Fla. July 11, 2017)	IVD reversed and remand to enter FJ for P and findings of fact re damages- as long as P attaches a copy with blank endorsement to complaint, enough for standing	Bank
3D	<i>Rincon v. Bank of Am., N.A.</i> , 206 So. 3d 793 (Fla. 3d DCA 2016)	Denial of MTV FJ for P Affirmed- note indorsed in blank good enough	Bank
3D	<i>Wells Fargo Bank, N.A. v. Russell</i> , 194 So. 3d 1094 (Fla. 3d DCA 2016)	SJ for D reversed - b/c statute requires presuit possession, that proves P had possession	Bank
4D	<i>ALS-RVC, LLC v. Garvin</i> , 201 So. 3d 687 (Fla. 4th DCA 2016)	IVD reversed - P has standing because note attached to complaint matched the one at trial, even though there was evidence that the note and mortgage were assigned to another party	Bank
4D	<i>Bank of New York Mellon on Behalf of Registered Holders of Alternative Loan Tr. 2007-OA7 v. Heath</i> , 219 So. 3d 104 (Fla. 4th DCA 2017)	IVD reversed and remand for new trial - note indorsed in blank attached to complaint and same version introduced at trial	Bank
4D	<i>Bank of New York Mellon v. Milford</i> , 206 So. 3d 137 (Fla. 4th DCA 2016)	IVD reversed and remand to enter FJ for P - copy attached creates inference - references ortiz but inference never stated there	Bank
4D	<i>Bennett v. Deutsche Bank Nat. Tr. Co.</i> , 124 So. 3d 320 (Fla. 4th DCA 2013)	SJ for P affirmed - no evidence to overcome the presumption that the signature on the allonge were invalid, thus P has standing	Bank
4D	<i>Bolous v. U.S. Bank Nat. Ass'n</i> , 210 So. 3d 691 (Fla. 4th DCA 2016)	FJ for P affirmed - PSA was enough to prove standing at inception	Bank
4D	<i>Brandenburg v. Residential Credit Sols., Inc.</i> , 137 So. 3d 604 (Fla. 4th DCA 2014)	SJ for P Affirmed - Substituted P had standing or prior P who has possession at inception	Bank
4D	<i>Caraccia v. U.S. Bank, Nat. Ass'n</i> , 185 So. 3d 1277 (Fla. 4th DCA 2016)	FJ for P Affirmed - agency is an exception to possession requirement	Bank
4D	<i>Deutsche Bank Nat'l Tr. Co. for Fremont Home Loan Tr. 2006-3, Asset-Backed Certificates, Series 2006-3 v. Dowd</i> , 225 So. 3d 229 (Fla. 4th DCA 2017)	IVD reversed - citing to <i>Bolous</i> and <i>Marciano</i>	Bank
4D	<i>Deutsche Bank Nat'l Tr. Co. v. Applewhite</i> , 213 So. 3d 948 (Fla. 4th DCA 2017)	IVD reversed and remand for further proceedings - note endorsed in blank attached to complaint	Bank
4D	<i>Fed. Nat'l Mortgage Ass'n v. Rafaeli</i> , 225 So. 3d 264 (Fla. 4th DCA 2017)	Testimony of prior servicer having possession enough - copy and orig match	Bank
4D	<i>GMAC Mortg., LLC v. Choengkroy</i> , 98 So. 3d 781 (Fla. 4th DCA 2012)	Sua sponte dismissal of P's case reversed - evidence of equitable transfer prior to filing of the complaint prevented dismissal	Bank
4D	<i>GMAC Mortgage, LLC v. Pisano</i> , 227 So. 3d 1279 (Fla. 4th DCA 2017)	IVD reversed - testimony of holder based on review of records OK - b/c no evidence of transfer, must conclude that original lender maintained possession until time of suit - the successor P can proceed	Bank
4D	<i>Green Tree Servicing LLC v. Sanker</i> , 204 So. 3d 496 (Fla. 4th DCA 2016)	IVD reversed and remand for FJ for P - P presented evidence of standing at inception and unbroken chain of indorsements ending in blank endorsement	Bank
4D	<i>Harvey v. Deutsche Bank Nat. Tr. Co.</i> , 69 So. 3d 300 (Fla. 4th DCA 2011)	FJ for P Affirmed - bank has standing with blank endorsement	Bank
4D	<i>Hovannesian v. PennyMac Corp.</i> , 190 So. 3d 681 (Fla. 4th DCA 2016)	FJ for P Affirmed in part on standing - no abuse to let in screen shot to prove standing - remand to establish damages in judgment	Bank
4D	<i>HSBC Bank USA, Nat'l Ass'n for Fremont Home Loan Tr. 2006-C v. Alejandre</i> , 219 So. 3d 831 (Fla. 4th DCA 2017)	IVD reversed and remand for FJ for P - PSA and note indorsed in blank enough - even conflicting AOM has nothing to do with standing	Bank
4D	<i>Isaac v. Deutsche Bank Nat. Tr. Co.</i> , 74 So. 3d 495 (Fla. 4th DCA 2011)	SJ for P Affirmed - P held a blank endorsed note	Bank
4D	<i>JPMorgan Chase Bank Nat'l Ass'n v. Pierre</i> , 215 So. 3d 633 (Fla. 4th DCA 2017)	FJ for D reversed - foreclosure is note dependent, M and ownership are irrelevant - witness allowed to make it up to get in prior servicer letter and fact that letter was sent - Balkissoon	Bank

Written Standing Related Appellate Decisions in Favor of Banks

DCA	CASE NAME	DISPOSITION	Who Won
4D	<i>Lewis v. J.P. Morgan Chase Bank</i> , 138 So. 3d 1212 (Fla. 4th DCA 2014)	FJ for P affirmed - standing at inception proved - substituted party need not have standing at inception	Bank
4D	<i>McConnell v. JPMorgan Chase</i> , 190 So. 3d 264 (Fla. 4th DCA 2016)	FJ for P affirmed - law firm records (and affidavit w/o objection) proved possession with blank endorsement	Bank
4D	<i>Meilleur v. HSBC Bank USA, N.A.</i> , 194 So. 3d 512 (Fla. 4th DCA 2016)	FJ for P Affirmed - original at trial matches copy with note creates inference - inference supported by AOM - no fundamental error as judge did not offer tips, suggestions or recommendations	Bank
4D	<i>Ortiz v. PNC Bank, Nat. Ass'n</i> , 188 So. 3d 923 (Fla. 4th DCA 2016)	FJ for P Affirmed - if copy attaches matches later filed original, possession and standing at inception proved - substantial compliance is the law	Bank
4D	<i>Peugnero v. Bank of Am., N.A.</i> , 169 So. 3d 1198 (Fla. 4th DCA 2015)	FJ for P Affirmed but remand to prove interest - standing upheld b/c witness testified that P held the blank note before filing as this was company policy and Pay his showed collection b/f suit filed, and taxes were being paid by P prior to filing	Bank
4D	<i>Philogene v. ABN Amro Mortg. Group Inc.</i> , 948 So. 2d 45 (Fla. 4th DCA 2006)	SJ for P Affirmed - P proved it had possession of the note	Bank
4D	<i>Riggs v. Aurora Loan Services, LLC</i> , 36 So. 3d 932 (Fla. 4th DCA 2010)	SJ for P Affirmed - possession of note endorsed in blank enough for standing	Bank
4D	<i>Spicer v. Ocwen Loan Servicing, LLC</i> , 4D16-2335, 2018 WL 354555 (Fla. 4th DCA Jan. 10, 2018)	FJ for P affirmed - substituted P acquires standing of original P even if the Note is with the clerk	Bank
4D	<i>U.S. Bank Nat. Ass'n v. Clarke</i> , 192 So. 3d 620 (Fla. 4th DCA 2016)	FJ for D reversed and remand for entry of FJ for P - copy is enough - do not need POA to testify	Bank
4D	<i>U.S. Bank Nat'l Ass'n v. Becker</i> , 211 So. 3d 142 (Fla. 4th DCA 2017)	CT treats allonge from entity outside chain as anomalous - result is blank indorsed note - IVD reversed	Bank
4D	<i>U.S. Bank, Nat. Ass'n v. Angeloni</i> , 199 So. 3d 492 (Fla. 4th DCA 2016)	IVD reversed and remand for new trial - lost note terms met by P	Bank
4D	<i>Wachovia Mortg., F.S.B. v. Goodwill</i> , 199 So. 3d 346 (Fla. 4th DCA 2016)	IVD reversed - P proved that original lender merged/was purchased to become current P, this was enough for standing	Bank
4D	<i>Wells Fargo Bank, N.A. v. Ayers</i> , 219 So. 3d 89 (Fla. 4th DCA 2017)	IVD reversed and remand for new trial - lost note elements proved by habit evidence	Bank
4D	<i>Werb v. Green Tree Servicing LLC</i> , 231 So. 3d 483 (Fla. 4th DCA 2017)	possession of the note is key, not servicing - PH admitted but evidence insuff for various elements of damages	Bank
4D	<i>Wilmington Sav. Fund Soc'y, FSB, v. Louissaint</i> , 212 So. 3d 473 (Fla. 5th DCA 2017)	IVD reversed and remand for entry of FJ for P - if lost then later found, as long as copy matches note at trial, that is sufficient for standing at inception	Bank
5D	<i>Bank of Am., N.A. v. Nash</i> , 200 So. 3d 131 (Fla. 5th DCA 2016), review denied, SC16-1255, 2017 WL 6062032 (Fla. Jan. 12, 2017), and cert. denied, 137 S. Ct. 2195 (2017)	FJ for D reversed and remand for FJ for P- witness proved that the loan was never transferred, instead original lender merged with P	Bank
5D	<i>Bank of New York Mellon for Bear Stearns Arm Tr., Mortgage Pass-Through Certificates, Series 2003-7 v. Thompson</i> , 230 So. 3d 638 (Fla. 5th DCA 2017)	IVD reversed - Note matching good enough - lien priority apparently established when proving elements of foreclosure	Bank
5D	<i>Deutsche Bank Nat. Tr. Co. v. Marciano</i> , 190 So. 3d 166 (Fla. 5th DCA 2016)	FJ for D reversed - PSA enough to prove possession of blank indorsed note	Bank
5D	<i>Le v. U.S. Bank</i> , 165 So. 3d 776 (Fla. 5th DCA 2015)	FJ for P Affirmed - P proved endorsement was placed before filing suit	Bank
5D	<i>Nationstar Mortg., LLC v. Kelly</i> , 199 So. 3d 1051 (Fla. 5th DCA 2016), reh'g denied (Sept. 12, 2016)	IVD reversed and remand for new trial - evidence of presuit assignments enough for standing - possession irrelevant where original lender did not indorse the note	Bank
5D	<i>Nationstar Mortgage, LLC v. Bo Chan</i> , 226 So. 3d 330 (Fla. 5th DCA 2017)	Standing at inception establish so long as note filed with blank endorsement matches the copy attached - substituted party's standing at time of trial not addressed	Bank

Written Standing Related Appellate Decisions in Favor of Banks

DCA	CASE NAME	DISPOSITION	Who Won
5D	<i>Nationstar Mortgage, LLC v. Kee Wing</i> , 210 So. 3d 216 (Fla. 5th DCA 2017)	IVD reversed and remand for further proceedings - Lost note aff allowed in over obj and IVD reversed based on that	Bank
5D	<i>Taylor v. Deutsche Bank Nat. Tr. Co.</i> , 44 So. 3d 618 (Fla. 5th DCA 2010)	SJ for P Affirmed - held that written assignment of the note and mortgage from nominee of the original lender to bank was sufficient to confer upon bank the authority to foreclose the mortgage.	Bank
5D	<i>US Bank Nat. Ass'n v. Laird</i> , 200 So. 3d 176 (Fla. 5th DCA 2016)	IVD reversed and remand for new trial - copy of note with special endorsement to P was attached to complaint then admitted at trial in same condition, this is enough for standing	Bank
5D	<i>US Bank, NA for Truman 2012 SC2 Title Tr. v. Glicken</i> , 228 So. 3d 1194 (Fla. 5th DCA 2017)	FJ for D reversed, remanded for FJ for P - Note matches is sufficient - AOM not enough - standing is focused on the note	Bank
5D	<i>Wells Fargo Bank, N.A. v. Morcom</i> , 125 So. 3d 320 (Fla. 5th DCA 2013)	SJ for D reversed - holder of a note is enough to foreclose a mortgage	Bank