

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2011

MICHELLE WROBLEWSKI,

Appellant,

v.

Case No. 5D10-1068

AMERICAN HOME MORTGAGE
SERVICING, INC.,

Appellee.

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Opinion filed September 9, 2011

Appeal from the Circuit Court
for Flagler County,
William A. Parsons, Judge.

Tanner Andrews of Tanner Andrews,
P.A., Deland, for Appellant.

Michael Cavendish and Ana D. Johnson
of Gunster, Yoakley & Stewart, P.A.,
Jacksonville, for Appellee.

PER CURIAM.

We reverse the summary judgment of foreclosure because Appellee failed to overcome Appellant's assertion in her answer that Appellee had failed to comply with the condition precedent contained in the mortgage, requiring notice and opportunity to cure. *Morrison v. U.S. Bank, N.A.*, 36 Fla. L. Weekly D1646 (Fla. 5th DCA July 29, 2011); *Konsulian v. Busey Bank, N.A.*, 61 So. 3d 1283 (Fla. 2d DCA 2011).

REVERSED and REMANDED.

GRIFFIN, MONACO and TORPY, JJ., concur.