

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Farrell v. The Bank of New York Mellon

No. 2D2024-2167 · No. 2D2024-2167 · Decided January 16, 2026

SUMMARY

The Florida Second District Court of Appeal affirmed a foreclosure judgment in favor of The Bank of New York Mellon. It reversed the award of attorneys' fees and remanded for an evidentiary hearing to determine the reasonable amount of fees.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Kelly; Rothstein-Youakim; Smith
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	January 16, 2026
DOCKET	2D2024-2167
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final judgment of foreclosure and an award of attorneys' fees entered by the Circuit Court for Pinellas County.
PRECEDENTIAL VALUE	Published opinion; precedential value subject to official publication and revision.
PARTIES	Veatrice A. Farrell v. The Bank of New York Mellon fka The Bank of New York, as trustee for the holders of CWALT, Inc. Alternative Loan Trust 2005-24, Mortgage Pass-Through Certificates, Series 2005-24

TOPICS

- appellate procedure
- foreclosure
- remedies
- real estate

PRACTICE AREAS

- appellate procedure
- real estate
- foreclosure
- attorneys' fees

QUESTIONS PRESENTED

- Whether the final judgment of foreclosure should be affirmed.

2. Whether the award of attorneys' fees should be reversed and remanded for an evidentiary hearing to determine the reasonable amount of fees.

HOLDINGS

1. The final judgment of foreclosure is affirmed.
2. The attorneys' fee award is reversed and the matter is remanded for an evidentiary hearing to determine the amount of a reasonable attorneys' fee award to the Bank.

KEY QUOTATIONS

“[W]hen the record contains some competent substantial evidence supporting the fee or cost order, yet fails to include some essential evidentiary support such as testimony from the attorney performing the services, or testimony from additional expert witnesses, the appellate court will reverse and remand the order for additional findings or an additional hearing, if necessary.” (at 2)

FACTUAL BACKGROUND

The Bank obtained a final judgment of foreclosure against Veatrice A. Farrell. The circuit court also awarded the Bank attorneys' fees. Farrell sought appellate review of the foreclosure judgment and fee award.

PROCEDURAL HISTORY

The circuit court entered a final judgment of foreclosure in favor of the Bank and awarded the Bank attorneys' fees. Farrell appealed. The Second District affirmed the foreclosure judgment without comment, reversed the attorneys' fee award, and remanded for an evidentiary hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Conduct an evidentiary hearing to determine the amount of a reasonable attorneys' fee award to the Bank.

CASES CITED

- Rodriguez v. Campbell, 720 So. 2d 266, 268 (Fla. 4th DCA 1998)