THIRD DISTRICT COURT OF APPEAL OF FLORIDA

# Marta A. Marcano v. JPMorgan Chase Bank, National Association

Marcano · No. 3D24-1505 · Decided March 26, 2025


## SUMMARY

The Third District Court of Appeal of Florida affirmed the circuit court's judgment in favor of JPMorgan Chase Bank. The court addressed the requirements for establishing a business-record foundation through a record custodian and recognized that subsequent mortgage-payment defaults may create a new foreclosure cause of action after dismissal of an earlier foreclosure action.


## OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed March 26, 2025. Not final until disposition of timely filed motion for rehearing. ________________ No. 3D24-1505 Lower Tribunal No. 17-3201-CA-01 ________________ Marta A. Marcano, Appellant, vs. JPMorgan Chase Bank, National Association, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Charles Kenneth Johnson, Judge.

The Law Office of Niles B. Whitten, PLLC, and Niles B. Whitten (Gainesville), for appellant. McCalla Raymer Liebert Pierce, LLC, and Charles P. Gufford (Orlando), for appellee. Before LINDSEY, MILLER and BOKOR, JJ. PER CURIAM. Affirmed. See Azran Miami 2 LLC v. Deutsche Bank Nat'l Tr. Co., 282 So. 3d 924, 927 (Fla. 3d DCA 2019) ("It is well-settled that a record custodian who has been called to testify under oath need not be the actual person who prepared the document, but he or she must demonstrate knowledge of each requirement for establishing the business record foundation." (citing Bank of N.Y. v. Calloway, 157 So.

3d 1064, 1073 (Fla. 4th DCA 2015))); see also Nationstar Mortg. LLC v. LHF Hudson, LLC, 271 So. 3d 1073, 1075, 1077 (Fla. 3d DCA 2019) (explaining that "each subsequent default accruing after the dismissal of an earlier foreclosure action creates a new cause of action, regardless of whether that dismissal was entered with or without prejudice," and specifically noting the mortgagee's right to assert a cause of action from "all subsequent [failed] payments" (quotation and emphasis omitted)).

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