THIRD DISTRICT COURT OF APPEAL OF FLORIDA

David Ryan v. The Bank of New York Mellon Trust Company, N.A., Etc.

No. 3D24-0022 · No. No. 3D24-0022; Lower Tribunal No. 19-9635 · Decided April 30, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the trial court in an appeal involving a foreclosure judgment and a prior order vacating that judgment. Relying on Bank of America, N.A. v. Abpaymar, LLC, the court held that the finality of the prior order precluded revisiting its procedural validity.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Emas; Scales; Miller
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 30, 2025
DOCKET	No. 3D24-0022; Lower Tribunal No. 19-9635
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County in a foreclosure-related matter.
PRECEDENTIAL VALUE	published
PARTIES	David Ryan v. The Bank of New York Mellon Trust Company, N.A.

TOPICS

final judgment rule · appellate procedure · foreclosure · civil procedure

PRACTICE AREAS

appellate procedure · foreclosure · civil procedure · real estate

QUESTIONS PRESENTED

1. Whether the trial court had authority to revisit and nullify a prior final order affecting a foreclosure judgment and the ownership or possession of the original note and mortgage.

HOLDINGS

1. The trial court lacked authority to relitigate and nullify the prior order after the matter had been adjudicated with finality; the judgment under review was therefore affirmed.

KEY QUOTATIONS

> *"The central issue is whether the current trial court had the power to revisit and nullify the 2011 order that vacated the 2006 final judgment of foreclosure and returned the original note and mortgage to Countrywide (who subsequently assigned the documents to BOA). It did not."* (at 670)

> *"The trial court mistakenly relitigated the procedural validity of the 2011 vacation order, a matter previously adjudicated with finality; it had no authority to reconsider the order and deem it 'ineffectual' and thereby 'void and of no force or effect' because of its view that Countrywide set forth inadequate grounds for the relief obtained."* (at 670)

FACTUAL BACKGROUND

The appeal concerned the trial court's authority to revisit a prior order affecting a foreclosure judgment and the original note and mortgage. The appellate court relied on precedent holding that a final order resolving the matter could not be relitigated or nullified based on the trial court's later view that the grounds for the prior relief were inadequate.

PROCEDURAL HISTORY

Ryan appealed a circuit-court ruling to the Third District Court of Appeal of Florida. The district court affirmed in a brief per curiam opinion, relying on Bank of America, N.A. v. Abpaymar, LLC.

DISPOSITION

affirmed

CASES CITED

- Bank of Am., N.A. v. Abpaymar, LLC, 373 So. 3d 669, 670 (Fla. 5th DCA 2023)

OPINION

David Ryan v. the Bank of New York Mellon Trust Company, N.A., Etc.
PER CURIAM.
Third District Court of Appeal State of Florida Opinion filed April 30, 2025. Not final until disposition of timely filed motion for rehearing. ________________ No. 3D24-0022 Lower Tribunal No. 19-9635 ________________ David Ryan, Appellant, vs. The Bank of New York Mellon Trust Company, N.A., etc., Appellee. An Appeal from the Circuit Court for Miami-Dade County, Antonio Arzola, Judge. Quaranta P.A., and John M. Quaranta, for appellant. Greenberg Traurig, P.A., and Kimberly S. Mello (Orlando), for appellee. Before EMAS, SCALES and MILLER, JJ. PER CURIAM. Affirmed. See Bank of Am., N.A. v. Abpaymar, LLC, 373 So. 3d 669, 670 (Fla. 5th DCA 2023) ("The central issue is whether the current trial court had the power

to revisit and nullify the 2011 order that vacated the 2006 final judgment of foreclosure and returned the original note and mortgage to Countrywide (who subsequently assigned the documents to BOA). It did not. The trial court mistakenly relitigated the procedural validity of the 2011 vacation order, a matter previously adjudicated with finality; it had no authority to reconsider the order and deem it 'ineffectual' and thereby 'void and of no force or effect' because of its view that Countrywide set forth inadequate grounds for the relief obtained. This court has reiterated that the finality of judgments is of great import even when the judgments may have been wrongly decided."). 2