

FLORIDA THIRD DISTRICT COURT OF APPEAL

Murline Gelin v. Carrington Mortgage Services, LLC, et al.

Gelin · No. Nos. 3D24-2158, 3D25-1667 · Decided May 27, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed the circuit court in an appeal involving a mortgage foreclosure dispute and a motion for relief from judgment. The court cited authorities concerning subsequent defaults, standing based on a chain of mortgage assignments, due diligence for newly discovered evidence, and the specificity required for a fraud-based motion under Florida Rule of Civil Procedure 1.540(b)(3).

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Lindsey; Lobree; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 27, 2026
DOCKET	Nos. 3D24-2158, 3D25-1667
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeals from the Circuit Court for Miami-Dade County in mortgage-foreclosure litigation; the Third District Court of Appeal affirmed.
PRECEDENTIAL VALUE	Published opinion; precedential status is identified as published, subject to any timely motion for rehearing.
PARTIES	Murline Gelin v. Carrington Mortgage Services, LLC, et al.

TOPICS

- foreclosure
- mortgages
- standing
- civil procedure
- appellate procedure

PRACTICE AREAS

- mortgage foreclosure
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

- Whether the asserted subsequent and separate default supported a subsequent foreclosure action.
- Whether the assignment chain supplied evidence of the mortgagee's standing to foreclose.

3. Whether relief from judgment under Florida Rule of Civil Procedure 1.540(b), including based on newly discovered evidence or alleged fraud, was warranted.
4. Whether an evidentiary hearing was required on the Rule 1.540(b)(3) motion.

HOLDINGS

1. A subsequent and separate alleged default creates a new and independent right in the mortgagee to accelerate payment on the note in a subsequent foreclosure action.
2. An unbroken chain of assignments is sufficient evidence to establish the mortgagee's standing to foreclose.
3. Relief from judgment based on newly discovered evidence should be seldom granted and only when the movant has exercised due diligence; the movant bears the burden of establishing due diligence.
4. A Rule 1.540(b)(3) motion must specify the essential facts of the purported fraud, rather than merely assert legal conclusions, to warrant an evidentiary hearing.

KEY QUOTATIONS

“[T]he subsequent and separate alleged default created a new and independent right in the mortgagee to accelerate payment on the note in a subsequent foreclosure action.” (at 2)

“This unbroken chain [of assignments] was sufficient evidence to establish [mortgagee’s] standing to foreclose on the home.” (at 2)

“Relief from judgment based on newly discovered evidence claim should be seldom granted and only when the party seeking relief has exercised due diligence.” (at 2)

“In order to warrant an evidentiary hearing, a rule 1.540(b)(3) motion must specify the essential facts of the purported fraud and not merely assert legal conclusions.” (at 2)

FACTUAL BACKGROUND

The opinion contains no detailed factual findings. It reflects mortgage-foreclosure litigation involving an alleged subsequent default, the mortgagee's standing based on an assignment chain, and motions seeking relief from judgment based on newly discovered evidence or alleged fraud.

PROCEDURAL HISTORY

Gelin appealed orders entered by the Circuit Court for Miami-Dade County in two related appellate proceedings. The Third District affirmed by per curiam opinion, relying on cited precedent concerning successive defaults, standing to foreclose, and relief from judgment under Florida Rule of Civil Procedure 1.540(b).

DISPOSITION

affirmed

CASES CITED

- Singleton v. Greymar Assoc., 882 So. 2d 1004, 1008 (Fla. 2004)
- Hines v. New Urban Pine Rd. LLC, 239 So. 3d 750, 751 (Fla. 3d DCA 2018)
- Rodriguez v. Falcones, 314 So. 3d 469, 472 (Fla. 3d DCA 2020)
- Cleveland v. Crown Fin., LLC, 212 So. 3d 1065, 1069 (Fla. 1st DCA 2017)
- Rusniaczek v. Tableau Fine Art Grp., Inc., 139 So. 3d 355, 357 (Fla. 3d DCA 2014)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 27, 2026. Not final until disposition of timely filed motion for rehearing. _____ Nos. 3D24-2158, 3D25-1667 Lower Tribunal No. 22-5708-CA-01 _____ Murline Gelin, Appellant, vs. Carrington Mortgage Services, LLC, et al., Appellees. Appeals from the Circuit Court for Miami-Dade County, Mavel Ruiz, Judge.

Murline Gelin, in proper person. Greenspoon Marder LLP, and Dariel J. Abrahamly (Boca Raton), for appellee Carrington Mortgage Services LLC. Before LINDSEY, LOBREE and GOODEN, JJ. PER CURIAM. Affirmed. See Singleton v. Greymar Assoc., 882 So. 2d 1004, 1008 (Fla. 2004) (“[T]he subsequent and separate alleged default created a new and independent right in the mortgagee to accelerate payment on the note in a subsequent foreclosure action.”); Hines v. New Urban Pine Rd.

LLC, 239 So. 3d 750, 751 (Fla. 3d DCA 2018) (“This unbroken chain [of assignments] was sufficient evidence to establish [mortgagee’s] standing to foreclose on the home.”); see also Rodriguez v. Falcones, 314 So. 3d 469, 472 (Fla. 3d DCA 2020) (showing of due diligence is required under rule 1.5410(b)); Cleveland v. Crown Fin., LLC, 212 So. 3d 1065, 1069 (Fla.

1st DCA 2017) (“Relief from judgment based on newly discovered evidence claim should be seldom granted and only when the party seeking relief has exercised due diligence. It is the movant’s burden under rule 1.540(b) to establish the exercise of due diligence. It is not sufficient to merely show that the evidence was not known or discovered by counsel prior to trial.

Rather, the movant must make his or her vigilance apparent.” (internal citations omitted)); Rusniaczek v. Tableau Fine Art Grp., Inc., 139 So. 3d 355, 357 (Fla. 3d DCA 2014) (holding that “[i]n order to warrant an evidentiary hearing, a rule 1.540(b)(3) motion must specify the essential facts of the purported fraud and not merely assert legal conclusions.”).