

466 So.2d 1129, 10 Fla. L. Weekly 730  
(Cite as: 466 So.2d 1129)

**C**

District Court of Appeal of Florida,  
Third District.

EMERALD PLAZA WEST, Appellant,  
v.  
Doris M. SALTER, Appellee.  
**No. 84-980.**

March 19, 1985.  
Rehearing Denied April 22, 1985.

Appeal was brought from order of the Circuit Court, Dade County, Milton A. Friedman, J., granting foreclosure of mortgage. The District Court of Appeal held that trial court erred in granting foreclosure of mortgage without requiring either production of original promissory note and assignment of mortgage or reestablishment of such documents.

Reversed.

#### West Headnotes

#### Mortgages 266 464

##### 266 Mortgages

##### 266X Foreclosure by Action

##### 266X(G) Evidence

##### 266k462 Weight and Sufficiency of Evidence

266k464 k. Production of Bond, Note, or Other Obligation Secured. [Most Cited Cases](#)

Trial court erred in granting foreclosure of mortgage without requiring either production of original promissory note and assignment of mortgage or reestablishment of such documents. [West's F.S.A. § 90.953\(1\)](#).

\*1129 Jeffrey C. Roth, Miami, for appellant.

Samuel L. Thompson, Miami, for appellee.

Before BARKDULL, BASKIN and DANIEL S. PEARSON, JJ.

PER CURIAM.

Agreeing with appellant that the trial court erred in granting foreclosure of a mortgage without requiring either production of the original promissory note and assignment of mortgage or reestablishment of those documents, [Telephone Utility Terminal Co. v. EMC Industries, Inc.](#), 404 So.2d 183 (Fla. 5th DCA 1981); § 90.\*1130 953(1), Fla.Stat. (1983), we reverse the Final Judgment of Foreclosure.

Reversed.

Fla.App. 3 Dist., 1985.  
Emerald Plaza West v. Salter  
466 So.2d 1129, 10 Fla. L. Weekly 730

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