

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
AUGUST 03, 2015

DEUTSCHE BANK TRUST COMPANY CASE NO.: 3D14-0575
AMERICAS, etc.,
Appellant(s)/Petitioner(s),
vs. L.T. NO.: 12-49315
HARRY BEAUVAIS, et al.,
Appellee(s)/Respondent(s),

This cause is set for rehearing en banc on Thursday, November 12, 2015 at 10:00 o'clock A.M. Counsel will be allowed twenty (20) minutes a side to present oral argument. Each party may file a supplemental brief within thirty (30) days from the date of this order addressing the following issues:

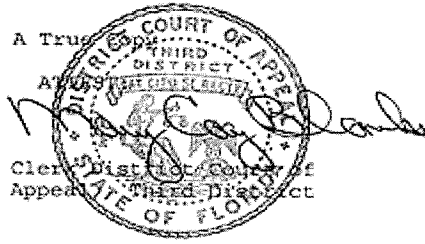
1. Identify and discuss any parts of the record reflecting the parties' treatment of the December 6, 2010 dismissal as an adjudication denying acceleration and foreclosure which placed the parties back into their respective contractual positions.
2. Identify and discuss any parts of the record evidencing if, how, and when, the Bank notified Beauvais that the December 6, 2010 dismissal constituted an adjudication denying the Bank's January 23, 2007 acceleration.

No reply briefs will be permitted.

Mortgage Bankers Association of South Florida, Business Law Section of
The Florida Bar, Real Property Probate & Trust Law Section of The Florida Bar,
Florida Alliance for Consumer Protection, Federal National Mortgage Association

and Federal Home Loan Mortgage Corporation are each invited to file an amicus curiae brief within sixty (60) days from the date of this order addressing the following issues:

1. Where a foreclosure action has been dismissed with the note and mortgage still in default:
 - a. Does the dismissal of the action, by itself, revoke the acceleration of the debt balance thereby reinstating the installments terms?
 - b. Absent additional action by the mortgagee can a subsequent claim of acceleration for a new and different time period be made?
 - c. Does it matter if the prior foreclosure action was voluntarily or involuntarily dismissed, or whether the dismissal was with or without prejudice?
 - d. What is the customary practice?
2. If an affirmative act is necessary by the mortgagor to accelerate a mortgage, is an affirmative act necessary to decelerate?
3. In light of Singleton v. Greymar Assocs., 882 So. 2d 1004 (Fla. 2004), is deceleration an issue or is deceleration inapplicable if a different and subsequent default is alleged?



cc:	Todd L. Wallen Harry Beauvais Business Law Section Of The Florida Bar	William P. McCaughan Federal Home Loan Mortgage Corporation Florida Alliance For Consumer Protection	Nicholas D. Siegfried Federal National Mortgage Association Mortgage Bankers Association Of South Florida Real Property Probate & Trust Law Section Of The Florida Bar
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