

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D16-2577

US BANK NATIONAL
ASSOCIATION, as Trustee for
CSFB Heat 2006-7,

Appellant,

v.

JASON TRANUMN and D'HONOUR
TRANUMN,

Appellees.

On appeal from the Circuit Court for Duval County.
A. C. Soud, Judge.

February 9, 2018

PER CURIAM.

U.S. Bank appeals the trial court's award of prevailing party attorney's fees to the Trnumns in this foreclosure action. Separately, this Court quashed the final judgment of foreclosure in 1D16-4911. As such, because the award of attorney's fees in this case was based on the now-defunct final judgment, the trial court's award of fees based on that judgment is reversed and the case is remanded with instruction to vacate the order awarding the attorney's fees. *See Marty v. Bainter*, 727 So. 2d 1124, 1125 (Fla. 1st DCA 1999) ("Once a final judgment is reversed and remanded by an appellate court, there can be no prevailing party for purposes

of an award of prevailing party attorney's fees. Consequently, an award of attorney's fees and costs predicated on a reversed or vacated final judgment also must be reversed.”).

REVERSED and REMANDED with instruction to vacate award of attorney's fees.

ROWE, MAKAR, and KELSEY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Dean A. Morande and Michael K. Winston of Carlton Fields Jordan Burt, P.A., West Palm Beach, for Appellant.

Brian Lee of Schuler & Lee, P.A., Jacksonville, for Appellees.