

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

BRITT K. LYLE,

Appellant,

v.

Case No. 5D15-1697

PENNYMAC HOLDINGS, LLC,

Appellee.

_____ /

Opinion filed March 4, 2016

Non-Final Appeal from the Circuit Court
for Orange County,
Lisa T. Munyon, Judge.

Adam H. Sudbury, of Apellie Legal
Services, PLLC, Orlando, for Appellant.

Tony Perez and Michelle Gervais, of Blank
Rome LLP, Tampa, for Appellee.

PER CURIAM.

Britt K. Lyle (“Appellant”) appeals the trial court’s order denying his motion to quash constructive service of process in a foreclosure case. Appellant argues that the trial court should have held an evidentiary hearing to determine whether PennyMac Holdings, LLC, conducted a diligent search and inquiry in attempting to serve him personally with a verified complaint for residential foreclosure. Based on the record before us, which contains the motions and supporting affidavits filed by both parties, we agree.

Accordingly, we reverse the order under review and remand this case for an evidentiary hearing. See Shepherd v. Deutsche Bank Trust Co. Ams., 922 So. 2d 340, 343 (Fla. 5th DCA 2006) (holding that “[t]he party invoking the court’s jurisdiction has the burden of proving the validity of service of process” and that “[t]he constructive service statutes require strict compliance”); Talton v. CU Members Mortg., 126 So. 3d 446, 447 (Fla. 4th DCA 2013) (“Where the allegations of the motion to quash service of process, if true, would entitle the movant to relief, then the trial court errs in denying the motion without first affording the movant an evidentiary hearing.”).

REVERSED and REMANDED.

SAWAYA, COHEN and LAMBERT, JJ., concur.