

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

PNC BANK, N.A.,

Appellant,

v.

JIMMIE P. NEAL, JR.,
COLLEEN M. NEAL, ET AL.,

Appellees.

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

CASE NO. 1D12-2544

Opinion filed October 25, 2013.

An appeal from the Circuit Court for Santa Rosa County.
Marci L. Goodman, Judge.

Stephen T. Maher, Edward J. O'Sheehan, and Anthony R. Yanez of Shutts & Bowen LLP, Miami, for Appellant.

Sharon Delene Regan of Regan and Roark, Attys., Pensacola; Gregory Wilhelm of Law Offices of Martinez & Wilhelm, PA, Gulf Breeze, for Appellee.

PER CURIAM.

PNC Bank, N.A., appeals the circuit court's order granting the Neals motion to dismiss with prejudice PNC Bank's foreclosure action against them. We affirm,

but point out that the dismissal with prejudice of PNC Bank's foreclosure action against the Neals does not preclude PNC Bank from instituting a new foreclosure action based on a different act or a new date of default not alleged in the dismissed action. See Star Funding Solutions, LLC v. Kronides, 101 So. 3d 403 (Fla. 4th DCA 2012) (citing Singleton v. Greymar Assocs., 882 So. 2d 1004, 1005 (Fla.2004)).

AFFIRMED.

THOMAS, CLARK, and ROWE, JJ., CONCUR.