

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2025-2337
LT Case No. 42-2024-CA-1321

IRYNA HRACHOVA,

Appellant,

v.

DEUTSCHE BANK TRUST
COMPANY AMERICAS,

Appellee.

On appeal from the Circuit Court for Marion County.
Lisa Diane Herndon, Judge.

Iryna Hrachova, Silver Springs, pro se.

No Appearance for Appellee.

September 25, 2026

KILBANE, J.

Iryna Hrachova (“Appellant”) appeals an order sua sponte dismissing her complaint with prejudice. Because this dismissal occurred without notice or an opportunity to be heard, we reverse.¹

1. This opinion does not address the merits of Appellant’s claims and affirms the remaining issue without further comment.

In July 2024, Appellant sued Deutsche Bank Trust Company Americas (“Deutsche Bank”) for declaratory relief and quiet title as to certain real property. After she obtained a clerk’s default, Appellant moved for a final default judgment. Instead, the trial court sua sponte dismissed the complaint with prejudice based on its finding that the property was subject to a final judgment of foreclosure that this Court affirmed. *See Hrachova v. Deutsche Bank*, 300 So. 3d 658 (Fla. 5th DCA 2020). Thus, it held her claims were barred by res judicata. Because the court violated Appellant’s procedural due process rights in sua sponte dismissing the complaint without notice or an opportunity to be heard based on an unpled affirmative defense, this matter is reversed and remanded for further proceedings. *See Loancare, LLC v. Chestnut*, 326 So. 3d 1220, 1220–21 (Fla. 5th DCA 2021).

REVERSED in part; AFFIRMED in part; and REMANDED for further proceedings.

WALLIS and BOATWRIGHT, JJ., concur.

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