

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2023-2296
Lower Tribunal No. 2022-CC-012884-O

MAURICE VAUGHN GRAY,

Appellant,

v.

FIFTH THIRD BANK NATIONAL ASSOCIATION,

Appellee.

Appeal from the County Court for Orange County.
Andrew L. Cameron, Judge.

August 8, 2025

ON CONFESSION OF ERROR

PER CURIAM.

Maurice Vaughn Gray appeals the default judgment entered against him and in favor of Fifth Third Bank National Association (“the Bank”), arguing the Bank never served him in this case. He claims he received no notice of the proceedings against him, which constitutes a violation of his due process rights. The record shows the summons was returned to the trial court, along with a note stating Gray did not

live at the address listed on the return of service. The Bank made no further attempts to serve Gray.

The Bank now concedes service was defective and asks that we remand this case for further proceedings. *See* Fla. R. Civ. P. 1.070(b) (2022) (“When any process is returned not executed or returned improperly executed for any defendant, the party causing its issuance shall be entitled to such additional process against the unserved party as is required to effect service.”); *Brooks v. Walker-Brooks*, 119 So. 3d 552, 553 (Fla. 1st DCA 2013) (“[P]rocedural due process requires both fair notice and a real opportunity to be heard before judgment is entered. Where a party receives no notice, it has been deprived of due process and the underlying order must be reversed.” (internal citations omitted)). Accordingly, we reverse the Default Final Judgment and remand this case for further proceedings.

REVERSED and REMANDED.

WHITE, MIZE and BROWNLEE, JJ., concur.

Maurice Vaughn Gray, Orlando, pro se.

J.L. Perez and Anson A. Adams, of Brock & Scott, PLLC, Winston-Salem, North Carolina, for Appellee.

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