

## INDEX TO APPENDICES

APPENDIX A-(1)- Decision of State Court of Appeal- First District Court Of Appeal, **Case Number 1D22-0871 on March 28, 2022** Order to Show Cause Not to be Dismissed, (See App. p1). **\*Continuation of all First District Court of Appeal Orders under same Case number for Appendix A. A-(2) On May 18, 2022**, Per Curiam, Appeal Dismissed For Lack of Jurisdiction, Fla. R. App. P. 9.110 (b). Makar, OsterHaus, and Kelsey, JJ., concur; (\*Notation on back of Order): Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331 (Brenda Davis, pro se, Appellant. No appearance for Appellee). (See App. pp3). A-(3), On **June 6, 2022**, Mandate from First District Court of Appeal State Of Florida, **YOU ARE HEREBY COMMANDED** that further proceedings, if required, be had in accordance with opinion of this Court and with rules of procedure, and laws of the State of Florida. (See App. p3A). A-(4) On **June 14, 2022** Order to serve copy of Motion for Rehearing docketed **June 13, 2022**, on the counsel for Appellee, and file supplemental certificate within 10 days of this Order. (See App. p3B). A-(5) On **July 6, 2022** Order for Rehearing denied, docketed **June 27, 2022**. (See App. p3C).

APPENDIX B- Decision of State Trial Court-Duval County Court of Florida, Case Number 2021-CC-010992XXXXMA on **January 20, 2022** Order and Dismissal rendered by Honorable Rhonda Peoples-Waters. (See App. p2).

APPENDIX C- Decision of Supreme Court Denying Review-Supreme Court of Florida Case Number SC22-1046. **On August 15, 2022** Order to Dismissed subject to reinstatement if timeliness is established on proper motion within fifteen days from date of this Order. See Fla. R. App. P. 9.120. (See App. pp4).

APPENDIX D- Order of Supreme Court Denying Rehearing- Supreme Court of Florida Case Number SC22-1046. **On August 23, 2022**, Petitioner's Motion for Reinstatement is hereby Denied. (See App. p5)

**TABLE OF AUTHORITIES CITED**

CASES	PAGE NUMBER
<i>Giggers v. Memphis Housing Authority</i> 277 S.W. 3d 359 (Tenn. 2009)...	5
<i>Lynette R. Jividen V. FCCI Insurance Company, etal, Court of Broward County, Florida, 2021</i> .....	5
<i>Sunshine Meadows v. Bank One Dayton, N.A, 599 SO.2d 1004,1007-08 FLA DCA 1992</i> .....	5

STATUTES AND RULES

9.110 FLA. R. APP. P.....	8
9.120 FLA. R. APP.P.....	9
9.330 FLA. R. APP.P.....	4
9.410 FLA. R. APP.P.....	4
28 U.S.C § 1254(1).....	2
28 U.S.C § 1257(a).....	2
29 U.S Supreme Court Rule.....	11
83.51 § FLA. STATUTE.....	5

OTHERS

Section 1 Amendment XIV United States Constitution.....	3
Article 1 Section 24 Florida Constitution.....	3

**APPENDIX**

(1)

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

March 28, 2022

CASE NO.: 1D22-0871  
L.T. No.: 2021-CC-010992

Brenda Davis

v.

Mallards Landing Associates LTD  
d/b/a Mission Pointe Apartments

---

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Upon the Court's own motion, appellant shall show cause within 10 days from the date of this order why this appeal should not be dismissed because it appears to the Court that the notice of appeal was not timely filed. If any pleading or order is referenced in the response, a copy of the document shall be attached to the response.

Failure to timely comply with this order may result in the imposition of sanctions, which may include dismissal of the appeal, without further opportunity to be heard. Florida Rule of Appellate Procedure 9.410.

This order tolls the time for preparation and filing of the record and the filing of the briefs until the jurisdictional issue raised by this order is resolved by the Court.

**I HEREBY CERTIFY** that the foregoing is (a true copy of) the original court order.

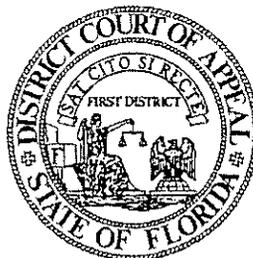
Served:

Lowenhaupt Sawyers & Spinale  
Hon. Jody Phillips, Clerk

Brenda Davis

cp

  
KRISTINA SAMUELS, CLERK



IN THE COUNTY COURT IN AND FOR  
DUVAL COUNTY, FLORIDA

CIVIL DIVISION

CASE #2021-CC-010992

Mallards Landing Associates Ltd  
d/b/a Mission Pointe Apartments  
Plaintiff,

vs.

Brenda Davis

Defendant(s)

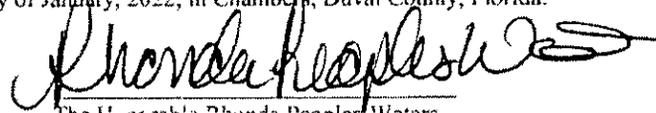
**ORDER AND DISMISSAL**

THIS CAUSE came before the Court upon a case management hearing on January 19<sup>th</sup>, 2022 at 11:00am and the Plaintiff's counsel, Plaintiff's witness and the Defendant having appeared by Zoom teleconference, and the Court being otherwise advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. The Defendant shall vacate the premises and return keys to the Plaintiff's management office no later than January 31<sup>st</sup>, 2022 by 5pm.
2. The money in the Court Registry, in the amount of \$965.00, shall be dispersed to the Plaintiff in care of Law Offices of Lowenhaupt, Sawyers and Spinale, 7765 SW 87<sup>th</sup> Avenue, Suite 201 Miami, Florida 33173.
3. This case shall be dismissed with the Court retaining jurisdiction to enforce the terms of this Order.

DONE AND ORDERED this 20<sup>th</sup> day of January, 2022, in Chambers, Duval County, Florida.



The Honorable Rhonda Peoples-Waters  
County Court Judge

**ORDER ENTERED**

JAN 20 2022

/s/Rhonda Peoples-Waters

2

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

---

No. 1D22-0871

---

BRENDA DAVIS,

Appellant,

v.

MALLARDS LANDING ASSOCIATES  
LTD d/b/a Mission Pointe  
Apartments,

Appellee.

---

On appeal from the County Court for Duval County.  
Rhonda Denise Peoples-Waters, Judge.

May 18, 2022

PER CURIAM.

Because the notice of appeal was not filed within thirty days of rendition of the lower tribunal's order rendered on January 20, 2022, the Court dismisses this appeal for lack of jurisdiction. *See* Fla. R. App. P. 9.110(b).

MAKAR, OSTERHAUS, and KELSEY, JJ., concur.

---

---

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

---

Brenda Davis, pro se, Appellant.

No appearance for Appellee.

# MANDATE

from

## FIRST DISTRICT COURT OF APPEAL

### STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

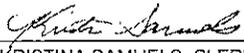
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

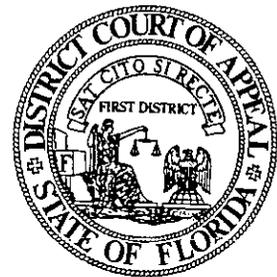
WITNESS the Honorable Lori S. Rowe, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

June 06, 2022

Brenda Davis v.  
Mallards Landing Associates LTD d/b/a Mission Pointe Apartments

DCA Case No.: 1D22-0871  
Lower Tribunal Case No.: 2021-CC-010992

  
KRISTINA SAMUELS, CLERK  
District Court of Appeal of Florida, First District



gl  
Mandate and opinion to: Hon. Jody Phillips, Clerk  
cc: (without attached opinion)  
Lowenhaupt Sawyers & Spinale

Brenda Davis

34

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

June 14, 2022

CASE NO.: 1D22-0871  
L.T. No.: 2021-CC-010992

Brenda Davis

v.

Mallards Landing Associates LTD  
d/b/a Mission Pointe Apartments

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Appellant is directed to serve a copy of the motion for rehearing docketed June 13, 2022, on the counsel for Appellee, and to file a supplemental certificate of service within 10 days of this order which demonstrates that service. The failure of Appellant to timely comply with this order will result in striking of the motion for rehearing, as authorized by Florida Rule of Appellate Procedure 9.410(a).

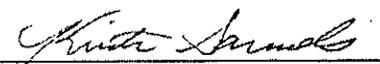
**I HEREBY CERTIFY** that the foregoing is (a true copy of) the original court order.

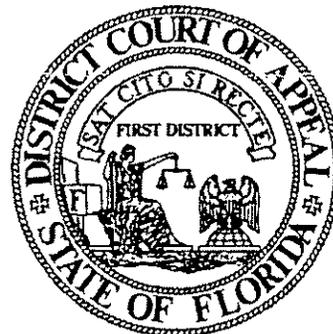
Served:

Lowenhaupt Sawyers &  
Spinale

Brenda Davis

ms

  
KRISTINA SAMUELS, CLERK



3B

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

July 06, 2022

CASE NO.: 1D22-0871  
L.T. No.: 2021-CC-010992

Brenda Davis

v.

Maliards Landing Associates LTD  
d/b/a Mission Pointe Apartments

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Appellant's motion docketed June 27, 2022, for rehearing is denied.

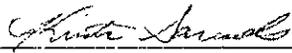
I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

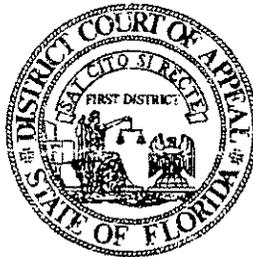
Served:

Lowenhaupt Sawyers &  
Spinale

Brenda Davis

th

  
KRISTINA SAMUELS, CLERK



30

(14)

# Supreme Court of Florida

MONDAY, AUGUST 15, 2022

**CASE NO.: SC22-1046**

Lower Tribunal No(s):  
1D22-871; 162021CC010992XXXXMA

BRENDA DAVIS

vs. MALLARDS LANDING  
ASSOCIATES LTD D/B/A  
MISSION POINTE  
APARTMENTS

---

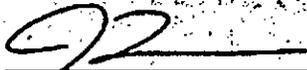
Petitioner(s)

Respondent(s)

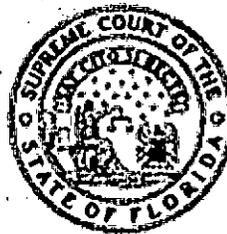
It appearing to the Court that the notice was not timely filed, it is ordered that the cause is hereby dismissed on the Court's own motion, subject to reinstatement if timeliness is established on proper motion filed within fifteen days from the date of this order. See Fla. R. App. P. 9.120.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



td

Served:

KENNETH J. LOWENHAUPT

4

**CASE NO.:** SC22-1046

Page Two

BRENDA DAVIS  
RHONDA DENISE PEOPLES-WATERS  
HON. JODY PHILLIPS, CLERK  
HON. KRISTINA SAMUELS, CLERK

