

Supreme Court of Florida

FRIDAY, JUNE 28, 2024

Kenton G. Findlay,
Petitioner(s)

v.

Star Lakes Association, Inc.,
(A Condominium Association),
Respondent(s)

SC2024-0285

Lower Tribunal No(s).:

3D2023-1148;

132014CA012750000001

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

CANADY, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ.,
concur.

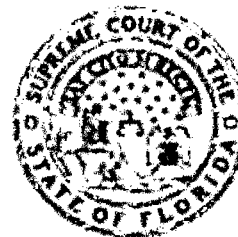
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KENTON G. FINDLAY

BRADLEY ALAN FRIEDMAN

HON. MIGNA SANCHEZ-LLORENS

Third District Court of Appeal

State of Florida

Opinion filed February 14, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D23-1148
Lower Tribunal No. 14-12750

Kenton G. Findlay,
Appellant,

vs.

Star Lakes Association, Inc.,
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge.

Kenton G. Findlay, in proper person.

No appearance, for appellee.¹

Before SCALES, LINDSEY and GORDO, JJ.

GORDO, J.

¹ Appellee was precluded from filing an answer brief after failing to comply with this Court's order.

Kenton G. Findlay (“Findlay”) appeals a non-final order denying his motion for reconsideration. We dismiss the appeal for lack of jurisdiction.

On December 6, 2017, an amended final judgment of foreclosure was entered in favor of Star Lakes Association, Inc. (“Star Lakes”). On May 18, 2023, Findlay filed a “motion for reconsideration,” arguing grounds for vacating the final judgment under Florida Rule of Civil Procedure 1.540(b). The trial court denied the motion. This appeal followed.

Our jurisdiction to review non-final orders is limited to those matters specifically enumerated in Florida Rule of Appellate Procedure 9.130. Mid-Continent Cas. Co. v. Flora-Tech Landscapes, Inc., 225 So. 3d 336, 340 (Fla. 3d DCA 2017); see also Fla. R. App. P. 9.130 (stating “[t]his rule applies to appeals to the district courts of appeal of the nonfinal orders authorized herein”). Rule 9.130(a)(5) authorizes appeals of “[non-final] [o]rders entered on an **authorized and timely** motion for relief from judgment.” Fla. R. App. P. 9.130(a)(5) (emphasis added).

In this case, the underlying motion was filed nearly six years after the trial court entered the amended final judgment of foreclosure. Because the motion was not timely filed, we dismiss the appeal for lack of jurisdiction. See Fla. R. Civ. P. 1.540(b) (stating that a motion for relief from judgment

based on newly discovered evidence cannot be filed more than one year after the judgment was entered).

Dismissed.