

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2013

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

LEWIS PLATT, JR. AND TERI L. PLATT,

Appellants,

v.

Case No. 5D11-4345

VALERIE MILLER,

Appellee.

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Opinion filed May 3, 2013.

Appeal from the Circuit Court
for St. Johns County,
J. Michael Traynor, Judge.

J. Russell Collins of Rusty Law, LLC,
St. Augustine, for Appellants.

Allen C. D. Scott, II, of Scott Legal
Associates, P.A., St. Augustine, for
Appellee.

JACOBUS, J.

Appellants, Lewis Platt, Jr. and Teri L. Platt, filed an action for declaratory judgment seeking to establish their right to rescind the refinancing of their home due to violations of the federal Truth in Lending Act, the federal Home Ownership and Equity Protection Act, and the Florida Fair Lending Act. Appellee, Valerie Miller, counterclaimed to foreclose the mortgage. Appellee ultimately obtained a final

summary judgment in her favor on the claims contained in appellants' complaint, but a final judgment of foreclosure has not yet been entered in her favor on her counterclaim.

A review of the record shows that the claims asserted in appellants' amended complaint are inextricably intertwined with appellee's pending counterclaim to foreclose the mortgage. Accordingly, this Court lacks jurisdiction to review the order now on appeal, which merely disposed of the claims in appellants' complaint. See Yunger v. Oliver, 803 So. 2d 884, 887 (Fla. 5th DCA 2002) (citing S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97 (Fla. 1974)).

APPEAL DISMISSED.

TORPY and EVANDER, JJ., concur.