

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MARSHALL NEIL DANIELS
and PENNY DANIELS,

Appellants,

v.

ARTHUR CARLSON,

Appellee.

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

CASE NO. 1D11-3836

Opinion filed September 16, 2011.

An appeal from the Circuit Court for Madison County.
Gregory S. Parker, Judge.

Patrick R. Frank of H. Richard Bisbee, P.A., Tallahassee, for Appellants.

No appearance for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of August 8, 2011, the Court has determined that claims disposed of by the lower

tribunal in the order on appeal are inextricably intertwined with those claims left pending. Therefore, the July 20, 2011, Final Judgment of Foreclosure and Reformation of Instrument does not constitute a partial final judgment subject to immediate review pursuant to Florida Rule of Appellate Procedure 9.110(k). Accordingly, the appeal is hereby dismissed as premature.

DISMISSED.

BENTON, C.J., HAWKES, and ROWE, JJ., CONCUR.