

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1065
LT Case No. 2023-DR-003252-FM

MIGUEL ANGEL DIAZ,

Appellant,

v.

KIMBERLY ANNE NOLAN,

Appellee.

On appeal from the Circuit Court for Duval County.
Russell L. Healey, Judge.

William Falik, of William Falik, P.A., Jacksonville, for Appellant.

William S. Graessle, of William S. Graessle, Jacksonville, for
Appellee.

March 21, 2025

PER CURIAM.

Appellant, Miguel Angel Diaz, appeals the trial court's final judgment of paternity and partition regarding his timesharing and the partition sale of the parties' jointly owned property. We affirm without further discussion as to the issue of timesharing. Further, we affirm the trial court's ruling regarding the partition of the parties' jointly held property. However, as the parties have voluntarily agreed to a private sale of the property, we remand for

the trial court to amend the final judgment to set a fixed reasonable period of time for the sale of the property subject to the court's approval. The amended final judgment should reflect that if the sale of the property is not resolved within the time frame set by the court, a judicial sale of the property shall take place in accordance with chapter 64, Florida Statutes. *See Marks v. Stein*, 160 So. 3d 502, 507 (Fla. 2d DCA 2015) (concluding when parties agree to private sale in a partition action, sale is subject to court approval, and judgment must provide that if sale of property is not amicably resolved within a specified reasonable period of time, then sale and partition of property shall take place in accordance with chapter 64, Florida Statutes).

AFFIRMED in part, REVERSED in part, and REMANDED with instructions.

EDWARDS, C.J., and BOATWRIGHT and PRATT, JJ., concur.

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