

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

JULY TERM 2007

ARTHUR FRIEND,

Appellant,

v.

Case No. 5D06-2402

DEUTSCHE BANK
TRUST COMPANY, ETC.,

Appellee.

Opinion filed July 13, 2007

Appeal from the Circuit Court
for Volusia County,
Robert Rouse, Jr., Judge.

Arthur Friend, New Smyrna, pro se.

Wm. D. Newman, Jr. of Law Offices
of Marshall C. Watson, P.A.,
Fort Lauderdale, for Appellee.

SMITH, T., Associate Judge.

Appellant, Arthur Friend appeals the trial court's summary final judgment of foreclosure. Because his notice of appeal was not filed within thirty days of the rendition of the judgment we conclude that this court is without jurisdiction and therefore, this case is dismissed. Wetherington v. Minch, 637 So. 2d 967 (Fla. 5th DCA 1994); Commonwealth Land Title Insurance Co. v. Freeman, 884 So. 2d 164 (Fla. 2d DCA 2004); and American Auto Assn. v. C.D.S. Towing & Recovery, Inc., 805 So. 2d 1064 (Fla. 3d DCA 2002). The promissory note and mortgage provide for recovery by the appellee, Deutsche Bank Trust Company, of its attorneys' fees and costs for this

appeal. Therefore, the Bank's motion for fees is granted and the trial court is directed to award the Bank its reasonable fees and taxable costs for this appeal.

DISMISSED.

THOMPSON and MONACO, JJ., concur.