

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

FUTRELL CUSTOM POOLS, INC.,

Appellant,

v.

Case No. 5D12-2730
5D12-3346

SUNSHINE CUSTOM BUILDERS, INC., ET AL.,

Appellees.

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Opinion filed April 26, 2013

Non-Final Appeal from the Circuit Court
for Brevard County,
John M. Harris, Judge.
J. Preston Silvernail, Judge.

Christopher M. Sprysenski and Dominick
J. Salfi, of Salfi & Sprysenski, Altamonte
Springs, for Appellant.

Jeffrey R. Jontz and Eric B. Jontz, of
Swann, Hadley, Stump, Dietrich & Spears,
P.A., Winter Park , for Appellee Hancock
Bank.

No Appearance for Appellee, Sunshine
Custom Builders, Inc.

PER CURIAM.

In these consolidated mortgage foreclosure cases, Futrell Custom Pools, Inc. appeals non-final orders that vacated in part final judgments of foreclosure pursuant to *Cone Brothers Construction Co. v. Moore*, 193 So. 288 (Fla. 1940). Concluding that

Cone Brothers is still good law, we reject Futrell's arguments. See *Citimortgage, Inc. v. Henry*, 24 So. 3d 641 (Fla. 2d DCA 2009).

AFFIRMED.

SAWAYA, PALMER and EVANDER, JJ., concur.