

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

WALTER WYATT,

Appellant,

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

v.

CASE NO. 1D03-2126

NATIONAL BANK OF  
COMMERCE and KEVIN GAY  
FAMILY LLC,

Appellee.

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Opinion filed November 26, 2003.

An appeal from the Circuit Court for Duval County.

Hugh A. Carithers, Judge.

Scott B. Parks of Parks and Associates, Jacksonville, for Appellant.

Marc L. Schatten, Memphis, Tenn., and Chad Walker, Jacksonville, for Appellee.

PER CURIAM.

The appellant bought this appeal seeking review of an order that granted a motion for summary judgment. However, because the order on appeal did not enter judgment, the order is not final and this Court lacks appellate jurisdiction to review it.

Cf. McQuaig v. Wal-Mart Stores, Inc. , 789 So. 2d 1215 (Fla. 1st DCA 2001). See

generally Benton v. Moore, 655 So. 2d 1272 (Fla. 1st DCA 1995). As the appellant concedes that the instant order is not appealable, the appeal is hereby DISMISSED. This dismissal is without prejudice to the appellant's right to file a timely notice of appeal once a final order has been entered.

VAN NORTWICK, PADOVANO and HAWKES, JJ., CONCUR.