

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

EDMUND PHILLIPS COOPER,

Appellant,

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

v.

CASE NO. 1D03-2565

GAIL MARIE COOPER,

Appellee.

Opinion filed October 7, 2003.

An appeal from the Circuit Court for Alachua County.
Toby S. Monaco, Judge.

Jonathan P. Culver, Ocala, for Appellant.

Allison E. Folds, Gainesville, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of August 19, 2003, the Court has determined that the appellant's motion for rehearing was not timely served. Fla. Fam. L. R. P. 12.530; Fla. R. Civ. P. 1.530(b). Thus, the motion did not delay rendition of the order on appeal, and the appellant's notice of appeal was not timely filed. Fla. R. App. P. 9.020(h). Accordingly, the appeal is hereby

dismissed for lack of jurisdiction. All pending motions are denied as moot.

WOLF, CJ., BROWNING and HAWKES, JJ., CONCUR.