

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

SHEDRICK STATEN, as personal  
representative of the Estate of  
ROBERT TAYLOR, deceased,  
and SHEDRICK STATEN,  
Individually,

Appellant,

v.

CELSO M. GONZALEZ-FALLA,  
as trustee for the Gilman Article III  
Trust,

Appellee.

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

CASE NO. 1D03-2856

Opinion filed September 26, 2003.

An appeal from the Circuit Court for Madison County.  
Thomas J. Kennon, Jr., Judge.

Thomas E. Stone, Madison, for Appellant.

George T. Reeves, Madison, for Appellee.

PER CURIAM.

Having considered the appellant's response to this Court's order dated July 24, 2003, as well as the appellant's response to the Court's order dated August 19, 2003, this appeal is hereby dismissed as premature. In an order granting an easement, a

reservation of jurisdiction to determine the metes and bounds of the easement necessarily renders the order nonfinal because the issue is not collateral to the action nor does it merely require a ministerial act. See generally McDuffie v. City of Jacksonville, 763 So. 2d 1201 (Fla. 1st DCA 2000) (holding trial court lacked jurisdiction to vacate final order to correct legal description once appellate jurisdiction had been invoked). Additionally, such an order may not be “deemed” final pursuant to McGurn v. Scott, 596 So. 2d 1042 (Fla. 1992). See Raymond James & Associates, Inc. v. Godshall, 28 Fla. L. Weekly D1902 (Fla. 1st DCA Aug. 12, 2003).

WOLF, C.J., BOOTH and HAWKES, JJ., CONCUR.