

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

S H E R R O N H O B B I E
HARGROVE, JR., d/b/a B & H
CONTRACTING,

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

Appellant,

CASE NO. 1D04-0262

v.

MEADOWS DEVELOPMENT OF
NORTHWEST FLORIDA, INC.,
a Florida Corporation,

Appellee.

_____ /

Opinion filed April 20, 2004.

An appeal from the Circuit Court for Santa Rosa County.
Paul A. Rasmussen, Judge.

Mark A. Bednar, Pensacola, for Appellant.

Lisa S. Minshew, Pensacola, for Appellee.

PER CURIAM.

The appellant brought this appeal seeking review of an order styled as a “Final Summary Judgment.” This order granted a motion for summary judgment and stated that the appellant holds no right, title, lien, or interest in the subject property. However, because a related counterclaim arising out of the same construction project

is still pending before the trial court, the instant order is not final nor is it a partial final judgment appealable pursuant to Florida Rule of Appellant Procedure 9.110(k). See S.L.T. Warehouse Co. v. Webb, 304 So. 2d 97, 99-100 (Fla. 1974); Howland v. DOT, 826 So. 2d 1080 (Fla. 1st DCA 2002). Therefore, we must dismiss this appeal for lack of jurisdiction. See Fla. R. App. P. 9.030(b)(1).

DISMISSED.

BARFIELD, BROWNING and LEWIS, JJ., CONCUR.