

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

WILLIAM E. HARDEE,

Appellant,

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

v.

CASE NO. 1D04-5630

ROSE MARIE HARDEE,

Appellee.

_____ /

Opinion filed March 4, 2005.

An appeal from the Circuit Court for Alachua County.
Robert E. Roundtree, Jr., Judge.

Wendy S. Loquasto, Tallahassee, for Appellant.

Daniel T. O'Connell, Gainesville, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of January 24, 2005, the Court has determined that the appellant's untimely motion for rehearing did not delay rendition of the underlying final judgment. See Fla. R. Civ. P. 1.530(b); Fla. R. App. P. 9.020(h). Thus, the notice of appeal was insufficient to timely invoke the Court's jurisdiction. Accordingly, the appeal is hereby dismissed as untimely.

WEBSTER, PADOVANO and HAWKES, JJ., CONCUR.