

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

DAVID W. HOLTON,  
  
Appellant,

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

v.

CASE NO. 1D05-2841

METROPOLITAN TITLE &  
GUARANTY,

Appellee.

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Opinion filed September 8, 2005.

An appeal from the Circuit Court for Duval County.  
Charles O. Mitchell, Jr., Judge.

Norman P. Freedman, Jacksonville, for Appellant.

Stuart H. Gitlitz, Coral Gables; Larry T. Griggs, St. Augustine; Dennis E. Hayes of Hayes & Associates, P.A., Jacksonville; Bruce A. Weihe of Heinrich Gordon Hargrove Weihe & James, P.A., Ft. Lauderdale; John B. Macdonald of Akerman, Senterfitt & Eidson, P.A., Jacksonville, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of May 9, 2005, the Court has determined that the notice of appeal was not timely filed. For this reason, the appeal is hereby dismissed.

DISMISSED.

ALLEN, WOLF, and PADOVANO, JJ., CONCUR.