

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

MARILYN WIMBERLY,

Appellant,

v.

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

CASE NO. 1D07-0081

JAMES RUSSELL as Personal
Representative Of The Estate Of
JOSEPH WILLIE RUSSELL,

Appellee.

_____ /

Opinion filed May 25, 2007.

An appeal from the Circuit Court for Lafayette County.
Julian E. Collins, Judge.

Joseph T. Lander, Cross City, for Appellant.

Samuel A. Mutch, Gainesville, for Appellee.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of March 5, 2007, the Court has determined that the appellant has failed to demonstrate that the notice of appeal was timely filed. Accordingly, the appellee's motion to dismiss, filed on January 25, 2007, is hereby granted and the appeal is dismissed as untimely. The

appellee's motion for an award of attorney's fees, filed on January 25, 2007, is denied.

All other pending motions are denied as moot.

LEWIS, POLSTON, and ROBERTS., JJ., CONCUR.