

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

DENISE D. THOMAS,

Appellant,

v.

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

CASE NO. 1D07-2070

MILDRED SMITH, BENNIE  
THOMAS, ELVIRA JACKSON,  
EVELYN JACKSON,

Appellees.

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Opinion filed July 24, 2007.

An appeal from the Circuit Court for Suwannee County.  
David W. Fina, Judge.

Rodney K. McIntyre, Jacksonville; William S. Graessle of William S. Graessle &  
Assoc., Jacksonville, for Appellant.

Conrad C. Bishop, Jr. of The Bishop Law Firm, Perry, and Michael S. Smith,  
Perry, for Appellees Bennie Thomas, Elvira Jackson and Evelyn Jackson.

PER CURIAM.

Upon consideration of the appellant's response to the Court's order of May 7,  
2007, the Court has determined that the appeal is untimely. Although the lower  
tribunal granted the appellant's motion for extension of time within which to file the

motion for rehearing, it was without authority to do so. Fla. R. Civ. P. 1.090(b). Consequently, the appellant's untimely motion for rehearing failed to delay rendition of the underlying order pursuant to Florida Rule of Appellate Procedure 9.020(h). As a result, the notice of appeal, which was filed more than 30 days after rendition of the final judgment, failed to timely invoke the Court's jurisdiction. Accordingly, the appeal is dismissed for lack of jurisdiction.

BARFIELD, KAHN, and THOMAS, JJ., CONCUR.