

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

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

CORNERSTONE  
DEVELOPMENT GROUP, INC.,

Appellant,

CASE NO. 1D08-4755

v.

WILLIAM M. HARAWAY, III,  
and DANA HARAWAY,  
husband and wife, SANTA ROSA  
GOLF ASSOCIATES, INC.,  
KILEY BUILDERS, INC.,  
MARION SUE JOHNSON,  
DONALD SCHIECK, MARK  
HENLEY, EUGENE BROWN  
and CAROL BROWN, BEULAH  
FOUNTAIN, KEITH  
WESTPHAL and RHONDA  
WESTPHAL,

Appellees.

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Opinion filed February 17, 2009.

An appeal from the Circuit Court for Santa Rosa County.  
Ronald V. Swanson, Judge.

Sherry Grant Hall of Hall & Runnels, P.A., Destin, for Appellant.

Jeremy C. Branning and Bruce D. Partington of Clark, Partington, Hart, Larry,  
Bond & Stackhouse, Pensacola, and Robert O. Beasley of Litvak Beasley &  
Wilson, LLP, Pensacola, for Appellees.

PER CURIAM.

DISMISSED. Raysor v. Raysor, 706 So. 2d 400, 401 (Fla. 1st DCA 1998). This dismissal is without prejudice to the appellant's right to file a motion for leave to permit late filing of notice of cross appeal in appellate case number 1D08-4291. See Walker v. State, 457 So. 2d 1136 (Fla. 1st DCA 1984); Brickell Bay Club Condo. Ass'n v. Forte, 379 So. 2d 1334 (Fla. 3d DCA 1980). Cf., Sampson v. Sampson, 566 So. 2d 831 (Fla. 5th DCA 1990) (dismissing cross appeal where there was no motion for leave of court to permit the late filing); Dellecese v. Value Rent A Car, 543 So. 2d 440 (Fla. 1st DCA 1989) (same).

DAVIS, BENTON and BROWNING, JJ., CONCUR.