

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

JAMES HENRY KING III; ET AL.,

Appellant,

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

v.

CASE NO. 1D13-3109

U. S. BANK, NATIONAL
ASSOCIATION, AS TRUSTEE
FOR JP MORGAN MORTGAGE
ACQUISITION TRUST 2006-NC2,
ASSET-BACKED PASS-
THROUGH CERTIFICATES,
SERIES 2006-NC2,

Appellee.

Opinion filed November 6, 2013.

An appeal from an order of the Circuit Court for Leon County.
Charles A. Francis, Judge.

James Henry King III, pro se, Appellant.

Kimberly Nolen Hopkins, of Shapiro, Rishman & Gache, LLP, Tampa, for
Appellee.

PER CURIAM.

Appellant timely brought this appeal seeking review of an order that
granted final judgment of foreclosure and directed that the foreclosure sale shall

take place in 120 days. The order did not, however, determine the amount due so as to allow the indebtedness to be cured. See § 45.0315, Fla. Stat. (2010) (providing that the indebtedness may be cured and a foreclosure sale prevented “by paying the amount of moneys specified in the judgment, order, or decree of foreclosure”). Cf. Fla. R. Civ. P. Form 1.996(a) (“Final Judgment of Foreclosure”). Therefore, the order did not complete the judicial labor required of the cause and this appeal is premature. See Caufield v. Cantele, 837 So. 2d 371, 375 (Fla. 2002) (reaffirming the traditional test for finality requiring that "no further action by the court will be necessary"). Accordingly, the appeal is hereby **DISMISSED**.

This dismissal is without prejudice to appellant’s right to bring a timely appeal once the trial court renders a final judgment of foreclosure that includes the amount due. Additionally, because no final order of foreclosure has been entered, the parties are advised that no foreclosure sale shall occur pursuant to the non-final “Order on Plaintiff’s Final Judgment of Foreclosure,” dated May 29, 2013.

WOLF, CLARK, and MARSTILLER, JJ., CONCUR.