

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JAMES OBER,
Appellant,

v.

TOWN OF LAUDERDALE-BY-THE-SEA, a Florida Municipality,
Appellee.

No. 4D14-4597

[March 22, 2017]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Thomas M. Lynch, IV, Judge; L.T. Case No. 14-006782(05).

Manual Farach of McGlinchey Stafford, Fort Lauderdale, for appellant.

Susan L. Trevarthen, Laura K. Wendell, and Eric P. Hockman and Adam A. Schwartzbaum of Weiss Serota Helfman Cole & Bierman, P.L., Coral Gables, for appellee.

***ON MOTION FOR CERTIFICATION OF A
QUESTION OF GREAT PUBLIC IMPORTANCE***

PER CURIAM.

We grant Appellee's February 7, 2017 Motion for Certification of a Question of Great Public Importance and certify the following question to the Florida Supreme Court:

WHETHER, PURSUANT TO SECTION 48.23(1)(D), FLORIDA STATUTES, THE FILING OF A NOTICE OF LIS PENDENS AT THE COMMENCEMENT OF A BANK'S FORECLOSURE ACTION PREVENTS A LOCAL GOVERNMENT FROM EXERCISING AUTHORITY GRANTED TO IT BY CHAPTER 162, FLORIDA STATUTES, TO ENFORCE CODE VIOLATIONS EXISTING ON THE FORECLOSED PROPERTY AFTER FINAL FORECLOSURE JUDGMENT AND BEFORE JUDICIAL SALE, WHERE THE LOCAL GOVERNMENT'S INTEREST OR LIEN ON THE PROPERTY ARISES AFTER FINAL JUDGMENT AND

DID NOT EXIST WITHIN THIRTY (30) DAYS AFTER THE
RECORDING OF THE NOTICE OF LIS PENDENS.

FORST and KLINGENSMITH, JJ., concur.
GROSS, J., dissents without opinion.

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