

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JANUARY TERM 2005

WILLIAM J. HARRIS,

Appellant,

v.

**FERNE L. GRAVES TRUST, FIRST BANK
& TRUST COMPANY OF BOCA RATON,
N.A., Et. Al.,**

Appellees.

untimely, depriving this court of jurisdiction.
Accordingly, we dismiss this appeal.

DISMISSED.

STEVENSON, GROSS and TAYLOR, JJ.,
concur.

***NOT FINAL UNTIL DISPOSITION OF ANY
TIMELY FILED MOTION FOR REHEARING.***

CASE NO. 4D04-4256

Opinion filed January 19, 2005

Appeal from the Circuit Court for the
Nineteenth Judicial Circuit, Martin County;
Karen L. Martin, Judge; L.T. Case No. 1792-
CP-001762.

William J. Harris, Palm City, Pro Se.

John H. Pelzer and Brigid F. Cech of Ruden,
McClosky, Smith, Schuster & Russell, P.A.,
Fort Lauderdale, for Appellee-Ferne L. Graves
Trust, First Bank & Trust., Etc.

On Motion to Dismiss

PER CURIAM.

Appellant, William J. Harris, appeals the
September 15, 2004 order of the trial court
denying his motion to reopen his case on
grounds of fraud. This motion was brought
pursuant to Florida Rule of Civil Procedure
1.540. Rather than immediately appeal that
denial, Harris moved for reconsideration. This
motion to reconsider was unauthorized and did
not toll the time for appeal. *See Frantz v.
Moore*, 772 So. 2d 581 (Fla. 1st DCA 2000);
Intercoastal Marine Towers v. Suburban Bank,
506 So. 2d 1177 (Fla. 4th DCA 1987). His
October 22, 2004 notice of appeal is therefore