

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2011*

**CAROL A. BAPTISTE,**  
Appellant,

v.

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,** as  
Nominee of Novastar Mortgage, Inc.,  
Appellee.

No. 4D10-45

[March 16, 2011]

PER CURIAM.

We affirm the order denying Baptiste's motion to vacate the notice of voluntary dismissal, noting that Baptiste failed to allege a colorable entitlement to relief in her motion. *See Pino v. Bank of N.Y. Mellon*, No. 4D10-378, 2011 WL 309441 (Fla. 4th DCA Feb. 2, 2011) (en banc). No evidentiary hearing was necessary to resolve Baptiste's motion, and the trial court need not have taken this additional step.

*Affirmed.*

GROSS, C.J., MAY and DAMOORGIAN, JJ., concur.

\* \* \*

Appeal of non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jack H. Cook, Judge; L.T. Case No. 502008CA038585XXXXMB.

Enrique Nieves, III, of Ice Legal, P.A., West Palm Beach, for appellant.

Sidney A. Stubbs of Jones, Foster, Johnston & Stubbs, P.A., West Palm Beach, and Barry S. Fishman of Shapiro & Fishman, LLP, Boca Raton, for appellee.

***Not final until disposition of timely filed motion for rehearing.***