

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

STEVEN GLANZ,
Petitioner,

v.

CATHERINE IRENE GLANZ,
Respondent.

No. 4D11-499

[June 29, 2011]

PER CURIAM.

Petitioner and respondent were involved in a bitter divorce. After the petitioner failed to pay sums due by the final judgment, the respondent moved for an order to permit her to file a notice of lis pendens against the former husband's office condominium, which was owned by a separate corporation, Glanz Real Estate Holdings, LLC, which was not a party to the proceedings. The court granted the motion, and the notice of lis pendens was filed. Petitioner seeks a writ of certiorari to review that order and filing of the notice. Based upon the controlling authority of *Marbin v. Cohen*, 789 So. 2d 1193 (Fla. 4th DCA 2001), we grant the petition. Without the titleholder of the subject property being made a party to the proceedings, the lis pendens is "entirely without legal basis." We quash the order. The lis pendens is discharged.

WARNER, DAMOORGIAN and LEVINE, JJ., concur.

* * *

Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Charles E. Burton, Judge; L.T. Case No. 502009DR014779SBFY.

Amy D. Shield of Amy D. Shield, P.A., Boca Raton, for petitioner.

Mark A. Levy and Kenneth A. Gordon of Brinkley Morgan, Fort Lauderdale, for respondent.

Not final until disposition of timely filed motion for rehearing.