

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

WALTER RUBIN and LUCILLE RUBIN,
Appellants,

v.

ADDISON RESERVE COUNTRY CLUB, INC.,
Appellee.

No. 4D11-3103

[October 10, 2012]

WARNER, J.

We dismiss this appeal of the denial of a temporary injunction as moot. Appellants sued to prevent modification of common area property in their development. In their verified motion for temporary injunction, they stated that the work on the modification had already commenced, and they sought an immediate order staying *further* construction. At the hearing on the temporary injunction, however, the appellee's representative testified without objection that the modifications were complete. Therefore, with no construction to enjoin, the relief requested by the temporary injunction was moot. *See Solares v. City of Miami*, 23 So. 3d 227, 228 (Fla. 3d DCA 2009). While appellants cite to *Velickovich v. Ricci*, 391 So. 2d 258, 259 (Fla. 4th DCA 1981), as authority for the court order for the removal of the construction, *Velickovich* involved a final, mandatory injunction, not a temporary injunction, and the completion of construction in that case occurred *after* the hearing on the temporary injunction. We express no opinion as to the relief which may be authorized should the appellants prove entitlement to a permanent injunction.

POLEN and DAMOORGIAN, JJ., concur.

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Appeal of a non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Meenu Sasser, Judge; L.T. Case No. 502011CA006188XXXXMB.

Ronald E. D'Anna of McClosky, D'Anna & Dieterle, LLP, Boca Raton,
for appellants.

Robert Rivas of Sachs Sax Caplan, P.L., Tallahassee, for appellee.

Not final until disposition of timely filed motion for rehearing.