

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JAMES IMSEIS,

Appellant,

v.

BAKTASH ZAHER,

Appellee.

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Case No. 2D10-5990

Opinion filed April 4, 2012.

Appeal from the Circuit Court for  
Hillsborough County; Herbert J. Baumann,  
Jr., Judge.

Walter E. Foster, III, of Walter E. Foster, III,  
P.A., Daytona Beach, for Appellant.

William N. Gambert, Daytona Beach, for  
Appellee.

LaROSE, Judge.

James Imseis appeals a final judgment denying him relief on causes of  
action for cancellation of a deed, ejectment, and equitable lien. He also challenges the  
trial court's reservation of jurisdiction to determine entitlement to and an award of

attorneys' fees; Mr. Imseis argues that no one pleaded for such relief. On this latter point, we agree and Mr. Zaher concedes error.

A claim for attorneys' fees must be pleaded, whether based on contract or statute. BMR Funding, LLC v. DDR Corp., 67 So. 3d 1137, 1140 (Fla. 2d DCA 2011) (citing Stockman v. Downs, 573 So. 2d 835, 837 (Fla. 1991)). Additionally, a timely motion is required. Fla. R. Civ. P. 1.525; Barco v. Sch. Bd. of Pinellas County, 975 So. 2d 1116, 1124 n.4 (Fla. 2008).

We reverse that portion of the final judgment reserving jurisdiction to determine and award attorneys' fees. In all other respects, we affirm the final judgment.

Affirmed in part; reversed in part.

CASANUEVA and MORRIS, JJ., Concur.