

Third District Court of Appeal

State of Florida

Opinion filed December 27, 2017.
Not final until disposition of timely filed motion for rehearing.

No. 3D17-1029
Lower Tribunal No. 15-21412

Florentino Falcon,
Appellant,

vs.

Mango Hill Condominium Association No. 2, Inc., et al.,
Appellees.

An appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto,
Judge.

David Low & Associates, P.A. and Amanda Sidman (Ft. Lauderdale), for
appellant.

Nancy C. Wear, for appellees.

Before SUAREZ, FERNANDEZ and LINDSEY, JJ.

SUAREZ, J.

Florentino Falcon appeals from a final order dismissing his first amended
complaint with prejudice. Because we find that the complaint asserted a viable

claim and that dismissal was not appropriate to resolve the issue of whether Falcon's back patio was a "limited common element" pursuant to the Declaration of Condominium, we reverse and remand for further proceedings. We make no findings as to the nature of the patio or the parties' rights and responsibilities under the Declaration.

Reversed and remanded.