

# Third District Court of Appeal

## State of Florida

Opinion filed May 27, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-1864  
Lower Tribunal No. 17-2811

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**Amir Avitan,**  
Appellant,

vs.

**Labrador & Fundora, Corp., etc.,**  
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Alexander Bokor, Judge.

Amir Avitan, in proper person.

Dennis A. Donet, P.A., and Dennis A. Donet, for appellee.

Before SALTER, LOGUE, and LOBREE, JJ.

PER CURIAM.

Affirmed. Cannella v. Auto-Owners, Ins. Co., 801 So. 2d 94, 99-100 (Fla. 2001)  
(concluding the judgment was merely voidable for irregular service because service

placed the defendant on notice and, therefore, defendant's challenge was not timely); Decker v. Kaplus, 763 So. 2d 1229, 1230 (Fla. 5th DCA 2000) (“[S]ervice was irregular, but conveyed actual notice. . . . The final judgment was rendered voidable” meaning defendants “had one year after the final judgment was entered to move to set aside the judgment pursuant to Florida Rule of Civil Procedure 1.540(b).”); Craven v. J.M. Fields, Inc., 226 So. 2d 407, 410 (Fla. 4th DCA 1969) (“The initial return in the instant case was irregular but the service was sufficient to put the defendant on notice . . . . A party complaining of an irregular service or return is required to move diligently to effectuate those remedies available to him by our rules of civil procedure lest he suffer the consequences.”).