

Third District Court of Appeal

State of Florida

Opinion filed October 28, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-927
Lower Tribunal No. 15-27596

Gabor Simmonds,
Appellant,

vs.

In Re: Grace Olaechea vs. Lizette Olaechea,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Oscar Rodriguez-Fonts, Judge.

Gabor Simmonds, in proper person.

Corona Law Firm, P.A., and Ricardo Corona, Ricardo M. Corona and Yung Truong, for appellee, Grace Olaechea.

Before EMAS, C.J., and SCALES and GORDO, JJ.

PER CURIAM.

We dismiss the instant appeal for lack of jurisdiction. Gabor Simmonds seeks review of the trial court's order denying a motion to vacate final judgment, which was entered against his wife, Lizette Olaechea, on February 22, 2018. The final judgment was affirmed by this Court in Olaechea v. Olaechea, 260 So. 3d 387 (Fla. 3d DCA 2018). Simmonds was never named as a party nor did he move to intervene in the lower court proceedings. As such, Simmonds lacks standing to pursue the instant appeal. Edwards v. CIT Bank, N.A., 45 Fla. L. Weekly D1405, 2020 WL 3067542, at *2 (Fla. 3d DCA June 10, 2020) ("Florida law clearly establishes that 'a non-party in the lower tribunal . . . lacks standing to appeal an order entered by the lower tribunal.'" (citing Portfolio Invs. Corp. v. Deutsche Bank Nat'l Tr. Co., 81 So. 3d 534, 536 (Fla. 3d DCA 2012))); Hood v. Union Planters Bank, 941 So. 2d 1175, 1176 (Fla. 1st DCA 2006) ("Appellant . . . has no standing to appeal this foreclosure because he was not one of the parties named below, and made no effort to intervene."); Barnett v. Barnett, 705 So. 2d 63, 64 (Fla. 4th DCA 1997).

Appeal dismissed.