

Third District Court of Appeal

State of Florida

Opinion filed July 14, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-0981
Lower Tribunal No. 19-1694

Juan D. Whipple,
Appellant,

vs.

Crystal Ferguson Dawson, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Rosa C. Figarola, Judge.

Juan D. Whipple, in proper person.

William C. Robinson, for appellees.

Before SCALES, MILLER and LOBREE, JJ.

PER CURIAM.

Appellant's appeal from the order determining homestead status of

real property is dismissed for lack of jurisdiction because the final order was not timely appealed. See Steele v. Brown, 197 So. 3d 106, 110 (Fla. 1st DCA 2016) (holding that order determining homestead status “constituted an appealable, final order”). The remaining orders on appeal are affirmed. See Rhodes v. State, 986 So. 2d 501, 513 (Fla. 2008) (“To be preserved, the issue or legal argument must be raised *and* ruled on by the trial court.”) (alteration in original); John Moriarty & Assocs. of Fla., Inc. v. Thyssenkrupp Elevator Corp., 272 So. 3d 464, 465 (Fla. 3d DCA 2019) (“In the absence of a transcript of the lower court proceedings, and finding no legal error apparent on the face of the order . . . we cannot conclude the trial court erred in rendering the order under review and therefore affirm.”); N & D Holding, Inc. v. Town of Davie, 17 So. 3d 819, 821 (Fla. 4th DCA 2009) (“It is the appellant’s duty to point out where in the record the alleged error can be substantiated.”).

Dismissed in part, affirmed in part.