

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, 2001

HENRY S. BONIS,	**	
Appellant,	**	
vs.	**	CASE NO. 3D01-1974
FAITH COLLINS and IMO	**	LOWER
IDIKPOL AKPAETI, her	**	TRIBUNAL NO. 99-24234
husband,	**	
Appellee.	**	

Opinion filed December 19, 2001.

An appeal from the Circuit Court for Miami-Dade County, Philip Bloom, Judge.

Lionel Barnet, for appellant.

Cornelius Shiver, Jr., for appellee.

Before SCHWARTZ, C.J., and GERSTEN and GODERICH, JJ.

PER CURIAM.

We affirm the trial court's order granting summary judgment in the instant foreclosure action. As the trial court properly found, pursuant to section 95.281(1)(a), Florida Statutes (1999), the mortgage terminated prior to the plaintiff filing the foreclosure

action.¹

¹ Section 95.281(1)(a), Florida Statutes (1999), provides as follows:

(1) The lien of a mortgage or other instrument encumbering real property, herein called mortgage, except those specified in subsection (5), shall terminate after the expiration of the following periods of time:

(a) If the final maturity of an obligation secured by a mortgage is ascertainable from the record of it, 5 years after the date of maturity.