

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

THEODORE DeLONG,)
)
 Appellant,)
)
v.)
)
PARADISE LAKES CONDOMINIUM)
ASSOCIATION, INC.,)
)
 Appellee.)
_____)

Case No. 2D16-547

Opinion filed February 22, 2017.

Appeal from the Circuit Court for
Pasco County; Linda Babb, Judge.

Margaret Brenan Correoso of
Woodbury, Santiago & Correoso, P.A.,
Miami, for Appellant.

Pamela Jo Hatley of Pamela Jo Hatley
P.A., Tampa, for Appellee.

NORTHCUTT, Judge.

Theodore DeLong filed a notice of appeal directed to a summary final judgment of foreclosure entered in favor of Paradise Lakes Condominium Association. However, the judgment is not final or appealable because the circuit court did not resolve DeLong's interrelated counterclaims. See *Innovision Practice Grp., P.A. v. Branch Banking & Tr. Co.*, 135 So. 3d 501, 502 (Fla. 2d DCA 2014). Because the court

departed from the essential requirements of law when it authorized the sale of the property¹ prior to the rendition of an appealable final judgment, and because there is no available appellate remedy that would protect DeLong's interest in the property, we treat the appeal as a proceeding for writ of certiorari. See E. Ave., LLC v. Insignia Bank, 136 So. 3d 659, 664-66 (Fla. 2d DCA 2014); Innovision Practice Grp., 135 So. 3d at 502-03. Accordingly, we grant the writ and quash the order under review.

Petition for writ of certiorari granted; final summary judgment of foreclosure quashed.

SLEET and LUCAS, JJ., Concur.

¹The circuit court stayed the sale of the property pending the disposition of this proceeding.