

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY
CASE NO.: 502013AP000061XXXXMB
L.T. No.: 502013CC008256XXXXMB

DEREK WILEY AND TRACY WILEY,
Appellants,

v.

JUPITER HOUSE LLC,
Appellee.

Opinion filed: **FEB 23 2015**

Appeal from the County Court in and for Palm Beach County,
Judge Sandra Bosso-Pardo.

For Appellant: Derek and Tracy Wiley
1163 Freshwater Lakes Dr.
West Palm Beach, Florida 33401

For Appellee: Jerron Kelley, Esq.
399 NW 2nd Ave., Ste. 222
Boca Raton, Florida 33432
jerron@kelleygrantlaw.com

PER CURIAM.

As conceded by the Appellee in its "Motion to Dismiss for Lack of Jurisdiction," the trial court was without jurisdiction to enter a final judgment on the merits because the Appellee voluntarily dismissed its cause of action two hours before the trial court entered its "Final Judgment as to Count I Only for Possession." *See Pino v. Bank of New York*, 121 So. 3d 23, 32 (Fla. 2013); *Colucci v. Greenfield*, 547 So. 2d 224, 225 (Fla. 3d DCA 1989).

REVERSED and REMANDED with directions to vacate the final judgment.

SMALL, G. KEYSER, and SASSER, JJ., concur.