

FLORIDA THIRD DISTRICT COURT OF APPEAL

American Mortgage Solutions, LLC v. Fresh Brix Properties, LLC

American Mortgage · No. 3D24-2004 · Decided October 22, 2025

SUMMARY

The Florida Third District Court of Appeal granted American Mortgage Solutions, LLC’s amended petition for writ of certiorari in a mortgage foreclosure action. The court held that the trial court departed from the essential requirements of law by permitting post-judgment intervention by a post-lis pendens purchaser and by setting aside the foreclosure judgment. The court quashed the orders granting intervention and setting aside the judgment and amended judgment.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Emas; Fernandez; Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 22, 2025
DOCKET	3D24-2004
DISPOSITION	quashed
PROCEDURAL POSTURE	American Mortgage Solutions petitioned for a writ of certiorari challenging post-judgment orders granting Yosef Sason's motion to intervene and motion to set aside the foreclosure judgment, as well as related orders cancelling the foreclosure sale and managing the case. The court granted the amended petition and quashed the intervention and judgment-setting-aside orders.
STANDARD OF REVIEW	Certiorari relief requires a departure from the essential requirements of law, resulting in material injury for the remainder of the case that cannot be corrected on post-judgment appeal.
PRECEDENTIAL VALUE	published
PARTIES	American Mortgage Solutions, LLC v. Fresh Brix Properties, LLC, Yosef Sason, and other respondents

TOPICS

- writ of certiorari
- intervention
- foreclosure
- lis pendens
- appellate procedure

PRACTICE AREAS

foreclosure

civil procedure

appellate procedure

real estate

remedies

QUESTIONS PRESENTED

1. Whether the trial court departed from the essential requirements of law by allowing a purchaser who acquired the property after a lis pendens was recorded to intervene after entry of the foreclosure judgment.
2. Whether the post-lis-pendens purchaser had standing under Florida Rule of Civil Procedure 1.540 to seek relief from the foreclosure judgment.
3. Whether the challenged orders caused the type of irreparable or material harm necessary for certiorari relief.

HOLDINGS

1. The trial court departed from the essential requirements of law by granting Sason's post-judgment motion to intervene. Post-judgment intervention is generally not allowed, and a purchaser who acquired property after a lis pendens was recorded is not entitled to intervene in the pending foreclosure action.
2. Sason lacked standing to seek relief from the foreclosure judgment under Florida Rule of Civil Procedure 1.540 because he was not a party or a party's legal representative, and the limited Pearlman exception did not apply to a post-lis-pendens purchaser.
3. Certiorari relief was warranted because the orders departed from the essential requirements of law, caused material or irreparable harm during the remainder of the case, and could not be adequately corrected by post-judgment appeal.

KEY QUOTATIONS

“While Florida Rule of Civil Procedure 1.230 permits pre-judgment intervention, post-judgment intervention is generally not allowed.” (at 5)

“A post-lis pendens purchaser is not entitled to intervene.” (at 6)

“Since Sason lacked standing to seek relief from a judgment to which it is not a party, the trial court departed from an essential requirement of the law in setting aside the final judgment and amended judgment.” (at 8)

FACTUAL BACKGROUND

WRCOF Asset Trust 2017-2 initiated a mortgage foreclosure action against Fresh Brix Properties, LLC after alleging a default under a promissory note and mortgage, and recorded a notice of lis pendens. The borrower failed to respond, and the trial court entered a default and final judgment of foreclosure, later amended to substitute American Mortgage Solutions as plaintiff and set a sale. Yosef Sason purchased the property in a separate foreclosure action after the lis pendens was recorded, then sought to intervene and set aside the foreclosure judgment; the trial court granted those requests.

PROCEDURAL HISTORY

WRCOF Asset Trust 2017-2 filed a mortgage foreclosure action against Fresh Brix Properties, LLC and others and recorded a notice of lis pendens. After the borrower defaulted, the trial court entered a final judgment of foreclosure, later amended the judgment, and scheduled a sale. Sason, who purchased the property in a separate foreclosure action after the lis pendens was recorded, moved to set aside the judgment, cancel the sale, and intervene. The trial court granted intervention and set aside the amended judgment, prompting American Mortgage's certiorari petition.

DISPOSITION

quashed

CASES CITED

- Greater Miami Expressway Agency v. Miami-Dade Cnty. Expressway Auth., 393 So. 3d 794, 795 (Fla. 3d DCA 2024)
- Damsky v. Univ. of Miami, 152 So. 3d 789, 792 (Fla. 3d DCA 2014)
- Neon Invs., LLC v. Afina Pallada, Inc., 299 So. 3d 45, 47 (Fla. 4th DCA 2020)
- Dickinson v. Segal, 219 So. 2d 435, 436 (Fla. 1969)
- Tikhomirov v. Bank of N.Y. Mellon, 223 So. 3d 1112, 1114 (Fla. 3d DCA 2017)
- Andresix Corp. v. Peoples Downtown Nat'l Bank, 419 So. 2d 1107, 1107 (Fla. 3d DCA 1982)
- Bymel v. Bank of America, N.A., 159 So. 3d 345, 347 (Fla. 3d DCA 2015)
- Carlisle v. U.S. Bank, Nat'l Ass'n for Harborview 2005-10 Tr. Fund, 225 So. 3d 893, 894-96 (Fla. 3d DCA 2017)
- Pearlman v. Pearlman, 405 So. 2d 764 (Fla. 3d DCA 1981)
- Federal Nat'l Mortg. Ass'n v. Gallant, 211 So. 3d 1055, 1059 (Fla. 4th DCA 2017)
- LIV I LLC v. Regions Bank, 310 So. 3d 1136, 1139 (Fla. 2d DCA 2021)
- Carbonell LLC v. North American Trading Group, Inc., 49 Fla. L. Weekly D2384 (Fla. 3d DCA Nov. 27, 2024)
- SR Acquisitions-Florida City, LLC v. San Remo Homes at Florida City, LLC, 78 So. 3d 636, 638 (Fla. 3d DCA 2011)