

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Molly Dorsey v. Lorenzo Hearn and Robert Salter

Dorsey · No. 6D2025-0381 · Decided April 17, 2026

SUMMARY

The Sixth District Court of Appeal of Florida dismissed the appeal for lack of jurisdiction because the appellant filed the notice of appeal after the deadlines for challenging the final and nonfinal orders. The court also explained that untimely or unauthorized rehearing and relief-from-judgment motions did not toll the applicable appeal periods.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Mize, J.; Traver, C.J.; Pratt, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	April 17, 2026
DOCKET	6D2025-0381
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from probate orders entered by the Circuit Court for Orange County. The district court dismissed the appeal for lack of jurisdiction because the notice of appeal was untimely as to every order challenged.
STANDARD OF REVIEW	The opinion resolves appellate jurisdiction and timeliness as threshold legal issues; no separate standard of review is stated.
PRECEDENTIAL VALUE	published
PARTIES	Molly Dorsey v. Lorenzo Hearn, Robert Salter

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- appellate procedure
- probate procedure

PRACTICE AREAS

- appellate procedure
- probate

QUESTIONS PRESENTED

1. Whether the appeal was timely as to the December 6, 2024 final probate orders.
2. Whether the court had jurisdiction to review earlier nonfinal orders when no timely appeal was taken from a final order.
3. Whether an order denying rehearing of a nonfinal order is appealable.
4. Whether Dorsey's motions to set aside or for rehearing tolled the deadline to appeal the final probate orders or the November 8, 2024 order.
5. Whether the Florida Rules of Civil Procedure, including Rule 1.540 and Rule 1.530, applied to the probate proceeding.

HOLDINGS

1. A notice of appeal from a final order must be filed within 30 days of rendition, and Dorsey's February 12, 2025 notice was untimely as to the December 6, 2024 amended orders.
2. When no timely appeal is taken from a final order, the appellate court lacks jurisdiction to review nonfinal orders that preceded the final orders.
3. An order denying a motion for rehearing of an interlocutory order is not appealable.
4. A motion for rehearing tolls the time for appeal only if it is authorized and timely; Dorsey's January 13, 2025 motion to set aside was not filed within 15 days of the December 6, 2024 final orders and therefore did not toll the appeal deadline.
5. The Florida Rules of Civil Procedure did not apply to the proceeding because it was not an adversary proceeding under Florida Probate Rule 5.025.

KEY QUOTATIONS

"The untimely filing of a notice of appeal precludes the appellate court from exercising jurisdiction." (at 1)

"Additionally, because Appellant did not timely appeal any final orders, this court likewise does not have jurisdiction to review the nonfinal orders that preceded the final orders." (at 1)

"This court also does not have jurisdiction to review any order denying a motion for rehearing of a nonfinal order." (at 2)

"Because Appellant's appeal is untimely as to every order she challenges, this appeal is dismissed for lack of jurisdiction." (at 3)

FACTUAL BACKGROUND

The probate proceeding included an amended order of summary administration and an amended order determining homestead status of real property, both rendered on December 6, 2024. Dorsey also challenged an order rendered November 8, 2024, an order denying rehearing, and other nonfinal orders, but she did not file her notice of appeal until February 12, 2025.

PROCEDURAL HISTORY

The circuit court entered amended orders of summary administration and determining homestead status on December 6, 2024. Dorsey filed a notice of appeal on February 12, 2025, challenging those orders and other related orders. The Sixth District Court of Appeal held that the appeal was untimely and that no challenged order was within its appellate jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Peltz v. Dist. Ct. of Appeal, Third Dist., 605 So. 2d 865, 866 (Fla. 1992)
- Nationstar Mortg. LLC v. DeSouza, 343 So. 3d 1227, 1231 (Fla. 1st DCA 2022)
- Morton & Oxley, Ltd. v. Charles S. Eby, M.D., P.A., 916 So. 2d 820, 821 (Fla. 2d DCA 2005)

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