

FLORIDA THIRD DISTRICT COURT OF APPEAL

Monica Alice Ullrich v. Federal Mortgage Lending, LLC, Etc.

No. 3D25-1474 · No. 3D25-1474 · Decided January 21, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed the portion of a non-final order denying Monica Alice Ullrich’s motion to quash service of process, holding that she waived her improper-service claim by failing to raise it at the first opportunity. The court dismissed the remainder of the appeal for lack of jurisdiction because the portion denying reconsideration of an earlier interlocutory order was not appealable under Florida Rule of Appellate Procedure 9.130.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Chief Judge SCALES; Judge EMAS; Judge LINDSEY
JURISDICTION	Florida Third District Court of Appeal
DECIDED	January 21, 2026
DOCKET	3D25-1474
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a non-final order denying a motion to quash service of process and to reconsider an earlier interlocutory order denying a motion to vacate a judicial default.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Monica Alice Ullrich v. Federal Mortgage Lending, LLC, Etc.

TOPICS

- service of process
- waiver
- appellate jurisdiction
- interlocutory appeal
- default

PRACTICE AREAS

- civil procedure
- appellate procedure
- service of process

QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction to review the portion of the non-final order denying the motion to quash service of process.

2. Whether Ullrich waived her improper-service claim by failing to raise it in her first motion to vacate the judicial default.
3. Whether the portion of the non-final order denying reconsideration of the prior interlocutory order was appealable.

HOLDINGS

1. The court had jurisdiction to review the portion of the challenged non-final order denying the motion to quash service of process under Florida Rule of Appellate Procedure 9.130(a)(3)(C)(i).
2. A party waives an improper-service claim by failing to raise it at the first opportunity, including in the party's initial motion to vacate a default.
3. The portion of the July 1, 2025 non-final order denying reconsideration of the earlier interlocutory order denying the motion to vacate the judicial default was not appealable under Rule 9.130 and had to be dismissed for lack of jurisdiction.

KEY QUOTATIONS

“We find no error in the trial court’s determination that Appellant waived her improper service claim by not raising the claim at her first opportunity” (at 1-2)

“The remainder of the appeal is dismissed for lack of jurisdiction.” (at 2)

FACTUAL BACKGROUND

A judicial default was entered against Monica Alice Ullrich on January 28, 2025. Ullrich later sought to vacate the default without challenging service of process in that initial motion. She subsequently moved to quash service, but the trial court determined that her improper-service claim had been waived.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a judicial default on January 28, 2025. Appellant moved on February 27, 2025, to vacate the default, but did not assert improper service. On April 16, 2025, she moved to quash service and reconsider the earlier interlocutory order; the trial court denied that motion on July 1, 2025. The appellate court reviewed only the portion concerning service of process, affirmed that portion, and dismissed the remainder for lack of jurisdiction.

DISPOSITION

other

CASES CITED

- Century-Nat’l Ins. Co. v. Frantz, 320 So. 3d 929, 930-31 (Fla. 2d DCA 2021)
- Consol. Aluminum Corp. v. Weinroth, 422 So. 2d 330, 331 (Fla. 5th DCA 1982)
- Valledor Co. v. Decky, 338 So. 3d 956, 958 (Fla. 3d DCA 2022)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed January 21, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1474 Lower Tribunal No. 24-21227-CA-01 _____ Monica Alice Ullrich, Appellant, vs. Federal Mortgage Lending, LLC, etc., Appellee. An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Vivianne del Rio, Judge.

The Tome Law Firm, P.A., and Jay R. Tome (Davie), for appellant. No Appearance, for appellee. Before SCALES, C.J., and EMAS and LINDSEY, JJ. PER CURIAM. Appellant Monica Alice Ullrich challenges a July 1, 2025 non-final order that denied her April 16, 2025 motion that sought both to (i) quash service of process, and (ii) reconsider an earlier interlocutory order that denied Appellant's February 27, 2025 motion to vacate a January 28, 2025 judicial default.

We have jurisdiction to review only that portion of the challenged order denying Appellant's motion to quash service of process. Fla. R. App. P. 9.130(a)(3)(C)(i).¹ We find no error in the trial court's determination that Appellant waived her improper service claim by not raising the claim at her first opportunity (that is, in her February 27, 2025 motion to vacate default), and affirm that portion of the challenged order denying Appellant's motion to quash service of process.

See *Century-Nat'l Ins. Co. v. Frantz*, 320 So. 3d 929, 930-31 (Fla. 2d DCA 2021) (holding that a party asserting defective service of process must challenge personal jurisdiction in the initial motion); *Consol. Aluminum Corp. v. Weinroth*, 422 So. 2d 330, 331 (Fla. 5th DCA 1982); Fla. 1 That portion of the challenged July 1, 2025 non-final order denying reconsideration of an earlier interlocutory order denying Appellant's motion to vacate the judicial default is not appealable under rule 9.130's schedule of appealable non-final orders, and therefore, is subject to dismissal for lack of jurisdiction.

See, e.g., *Valledor Co. v. Decky*, 338 So. 3d 956, 958 (Fla. 3d DCA 2022). 2 R. Civ. P. 1.140(b), (h). The remainder of the appeal is dismissed for lack of jurisdiction. Affirmed in part, dismissed in part. 3