

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Yoandra Mendoza v. Kendall Park Plaza, Ltd.

No. 3D25-0435 · No. No. 3D25-0435 · Decided February 18, 2026

SUMMARY

The Florida Third District Court of Appeal reverses the denial of Yoandra Mendoza’s motion to intervene in post-judgment execution proceedings involving the sale of real property. The court holds that Mendoza demonstrated a sufficient interest because her quitclaim deed may have been intended as security rather than an absolute conveyance, and because the property was claimed as her Florida homestead. The case is remanded for further proceedings.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Miller, J.; Scales, C.J.; Emas, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	February 18, 2026
DOCKET	No. 3D25-0435
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Miami-Dade County Circuit Court denying Yoandra Mendoza's motion to intervene in post-judgment execution proceedings involving the sale of real property.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published
PARTIES	Yoandra Mendoza v. Kendall Park Plaza, Ltd.

TOPICS

- intervention
- homestead
- mortgages
- appellate procedure
- standard of review

PRACTICE AREAS

- civil procedure
- real estate
- mortgages
- homestead
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by denying Mendoza's motion to intervene in post-judgment execution proceedings.
2. Whether Mendoza asserted an interest in the property sufficiently direct and immediate to support intervention under Florida Rule of Civil Procedure 1.230.
3. Whether Mendoza's claimed retention of legal title, based on a quitclaim deed allegedly given as security for a loan, together with her Florida homestead interest, warranted post-judgment intervention.

HOLDINGS

1. A claimant has an interest sufficient to support intervention when the claimant's asserted ownership interest is direct and immediate enough that the claimant may gain or lose through the legal operation and effect of the judgment. Mendoza's allegations that the quitclaim deed was given only as collateral, if true, established that she retained legal title and therefore sufficiently warranted intervention.
2. Although post-judgment intervention is limited and generally permitted only when the ends of justice require it, a claimant with a potentially valid ownership or homestead interest in property subjected to execution may intervene to protect that interest without attacking the validity of the underlying final judgment.

KEY QUOTATIONS

“Any[one] claiming an interest in pending litigation may at any time be permitted to assert a right by intervention” (3)

“Ordinarily, an interest supporting intervention “must be in the matter in litigation, and of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment.”” (4)

“All conveyances, obligations conditioned or defeasible, bills of sale or other instruments of writing conveying or selling property, either real or personal, for the purpose or with the intention of securing the payment of money, whether such instrument be from the debtor to the creditor or from the debtor to some third person in trust for the creditor, shall be deemed and held mortgages, and shall be subject to the same rules of foreclosure and to the same regulations, restraints and forms as are prescribed in relation to mortgages.” (5)

FACTUAL BACKGROUND

Kendall Park Plaza obtained a judgment lien in 2010 against Iglesias and two other debtors. Mendoza, who had lived at the property for many years, acquired sole title in 2016 and declared the property her Florida homestead. After defaulting on a second mortgage, Mendoza temporarily conveyed title to Iglesias as security for refinancing; she later sued to rescind and cancel the arrangement and filed a lis pendens. Following a receiver's appointment and the re-recording of Kendall Park's judgment lien, the property was sold at a sheriff's sale, prompting Mendoza to seek intervention based on her claimed ownership and procedural objections.

PROCEDURAL HISTORY

Kendall Park Plaza obtained a judgment against Yillian Enrique Iglesias and two other debtors and later pursued execution against property to which Mendoza claimed title and homestead protection. After a sheriff's sale, Mendoza moved to intervene in the post-judgment collection action to challenge the sale, but the circuit court denied her motion. The Third District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded for further proceedings consistent with the opinion, including allowing Mendoza to intervene to protect her asserted property and homestead interests.

CASES CITED

- Florida House of Representatives v. Florigrown, LLC, 278 So. 3d 935, 938 (Fla. 1st DCA 2019)
- Morgareidge v. Howey, 78 So. 14, 15 (Fla. 1918)
- Union Cent. Life Ins. Co. v. Carlisle, 593 So. 2d 505, 507-08 (Fla. 1992)
- Lefkowitz v. Quality Lab. Mgmt., LLC, 159 So. 3d 147, 149 (Fla. 5th DCA 2014)
- Valk v. J.E.M. Distribs. of Tampa Bay, Inc., 700 So. 2d 416, 419 (Fla. 2d DCA 1997)
- Ezem v. Fed. Nat. Mortg., 153 So. 3d 341, 344 (Fla. 1st DCA 2014)
- JBK Assocs., Inc. v. Sill Bros., Inc., 191 So. 3d 879, 881 (Fla. 2016)
- Sepulveda v. Westport Recovery Corp., 145 So. 3d 162, 166 (Fla. 3d DCA 2014)
- Osborne v. Dumoulin, 55 So. 3d 577, 583 (Fla. 2011)

OPINION

Yoandra Mendoza v. Kendall Park Plaza, Ltd.

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed February 18, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0435 Lower Tribunal No. 09-066174-CA-01 _____ Yoandra Mendoza, Appellant, vs. Kendall Park Plaza, Ltd., Appellee. An Appeal from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge. Taylor Duma LLP, and Christopher D. Cathey, for appellant. No appearance, for appellee. 1 Before SCALES, C.J., and EMAS, and MILLER, JJ. MILLER, J. 1 Appellee failed to file an answer brief. Appellant, Yoandra Mendoza, appeals from an order denying her motion to intervene in post-judgment execution proceedings involving the sale of certain real property located at 4411 Southwest 162nd Place, Miami, Florida (the "Property"). We have jurisdiction. See Fla. R. App. P. 9.130(a)(3)(C)(ii). On appeal, Mendoza contends the trial court abused its discretion because she demonstrated an interest in the Property sufficient to warrant intervention. We agree and reverse. I In 2010, appellee, Kendall Park Plaza, Ltd., procured

a final judgment against Yillian Enrique Iglesias and two other debtors for a little over \$18,000.00. Kendall Park recorded the judgment in the Official Records of Miami-Dade County in 2010, creating a judgment lien over Iglesias's property. Although she had been living there for many years, Mendoza acquired sole title to the Property in 2016 and declared it her homestead. The Property was later encumbered by two mortgages held by Caliber Home Loans and BZI Realty Corp., respectively. In 2022, Caliber assigned its mortgage to NewRez, LLC. Mendoza defaulted under the second mortgage, and BZI instituted foreclosure proceedings in the circuit court. Concerned about the likelihood of 2 foreclosure, Mendoza contacted Iglesias, a licensed realtor, to list the Property for a potential short sale. Iglesias offered to refinance but required Mendoza to temporarily transfer her title to the Property to secure repayment of the loan. Mendoza executed a quitclaim deed on September 15, 2022. In February of 2023, Mendoza instituted suit against Iglesias seeking to rescind and cancel the contract. She simultaneously filed a notice of lis pendens. In August 2023, the trial court appointed a receiver over the Property. The order of appointment was recorded in the Official Records. The following month, Kendall Park re-recorded its previously dormant judgment lien. On January 7, 2024, Mendoza received a "Notice of Revocation of Occupancy" addressed to Iglesias and the two other judgment debtors at the Property. The Notice was accompanied by a sheriff's deed, which reflected that an entity identified as 4411 Southwest 162nd Place Trust purchased the Property for \$100,100.00 at a sheriff's sale on December 20, 2023. Mendoza moved to intervene in the post-judgment collection action, seeking to challenge the propriety of the sale. In her motion, she asserted her ownership interest in the Property along with procedural deficiencies. The trial court denied the motion. This appeal ensued.

3 II We review the denial of a motion to intervene for an abuse of discretion. See *Florida House of Representatives v. Florigrown, LLC*, 278 So. 3d 935, 938 (Fla. 1st DCA 2019).

III

Florida Rule of Civil Procedure 1.230 governs intervention. It provides, in pertinent part, that "[a]nyone claiming an interest in pending litigation may at any time be permitted to assert a right by intervention" Fla. R. Civ. P. 1.230. But the rule comes with the caveat that "the intervention shall be in subordination to, and in recognition of, the propriety of the main proceeding, unless otherwise ordered by the court in its discretion." *Id.* In conformity with the rule, assessing whether a motion to intervene should be granted involves a two-step process: First, the trial court must determine that the interest asserted is appropriate to support intervention. See *Morgareidge [v. Howey*,

78 So. 14, 15 (Fla. 1918)]. Once the trial court determines that the requisite interest exists, it must exercise its sound discretion to determine whether to permit intervention. In deciding this question[,] the court should consider a number of factors, including the derivation of the interest, any pertinent contractual language, the size of the interest, the potential for conflicts or new issues, and any other relevant circumstance. *Union Cent. Life Ins. Co. v. Carlisle*, 593 So. 2d 505, 507–08 (Fla. 1992). "Second, the court must determine the

parameters of the intervention[.]” and 4 “intervention should be limited to the extent necessary to protect the interests of all parties.” Id. at 508. Here, the trial court denied intervention. Our inquiry therefore focuses on any abuse of discretion associated with the first step. Ordinarily, an interest supporting intervention “must be in the matter in litigation, and of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment.” Id. at 507 (quoting *Morgareidge*, 78 So. 14 at 15). Consequently, the right to post-judgment intervention is limited. Such intervention is only “permitted when the ends of justice so require.” *Lefkowitz v. Quality Lab. Mgmt., LLC*, 159 So. 3d 147, 149 (Fla. 5th DCA 2014). Mendoza does not seek to assail the validity of the final judgment. Instead, she seeks to assert her claim that she executed the quitclaim deed to Iglesias as collateral for the funds advanced to satisfy the second mortgage. Indeed, Iglesias confirmed that arrangement in her testimony. If these facts are true, Mendoza retains legal title, and Iglesias merely holds a security interest in the Property. See § 697.01(1), Fla. Stat. (2025) (“All conveyances, obligations conditioned or defeasible, bills of sale or other instruments of writing conveying or selling property, either real or personal, for the purpose or with the intention of securing the payment of money, 5 whether such instrument be from the debtor to the creditor or from the debtor to some third person in trust for the creditor, shall be deemed and held mortgages, and shall be subject to the same rules of foreclosure and to the same regulations, restraints and forms as are prescribed in relation to mortgages.”); *Valk v. J.E.M. Distribs. of Tampa Bay, Inc.*, 700 So. 2d 416, 419 (Fla. 2d DCA 1997) (finding that (“[w]hether a conveyance should be declared a mortgage under the statute depends on the particular facts, and, as the statute provides, is a question of the parties’ intent”). The retention of ownership, considered in tandem with the protections afforded to Florida homestead, sufficiently warranted intervention. See *Ezem v. Fed. Nat. Mortg.*, 153 So. 3d 341, 344 (Fla. 1st DCA 2014) (finding an abuse of discretion denying a motion to intervene and holding that “intervention and an evidentiary hearing [were] required to resolve any factual disputes regarding the validity of the final judgment of foreclosure” subject to intervenor’s homestead interest); see also *JBK Assocs., Inc. v. Sill Bros., Inc.*, 191 So. 3d 879, 881 (Fla. 2016) (Article X, section 4, of the Florida Constitution “is to be liberally construed in favor of protecting the homestead.”); *Sepulveda v. Westport Recovery Corp.*, 145 So. 3d 162, 166 (Fla. 3d DCA 2014) (“Sections 222.01 and 222.02 provide a means whereby a person may claim property as homestead and notify judgment creditors of 6 the property’s exempt status under article X, section 4, either pre- or post- levy.” (quoting *Osborne v. Dumoulin*, 55 So. 3d 577, 583 (Fla. 2011))). Accordingly, we reverse and remand for further proceedings. Reversed and remanded. 7