

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Whitburn, LLC v. Bank of America, N.A.

Whitburn · No. 2D15-1639; 2D15-4046 · Decided January 20, 2017

SUMMARY

The Florida Second District Court of Appeal affirmed the denial of Whitburn, LLC's motion to intervene in an underlying foreclosure proceeding. The court dismissed Whitburn's appeal from the final foreclosure judgment and affirmed in part and dismissed in part.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Northcutt, J.; Wallace, J.; Salario, J.
JURISDICTION	Florida
DECIDED	January 20, 2017
DOCKET	2D15-1639; 2D15-4046
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated appeals from an order denying Whitburn, LLC's motion to intervene in a foreclosure proceeding and from the final judgment of foreclosure entered in that proceeding.
PRECEDENTIAL VALUE	Published opinion; precedential status indicated by the source metadata.
PARTIES	Whitburn, LLC v. Bank of America, N.A., Carlos Ramirez, Ederle Greene Ramirez, Boyette Creek Homeowners Association, Inc.

TOPICS

[intervention](#) [foreclosure](#) [appellate procedure](#) [civil procedure](#) [appellate jurisdiction](#)

PRACTICE AREAS

[civil procedure](#) [real estate](#)

QUESTIONS PRESENTED

1. Whether the circuit court's order denying Whitburn, LLC's motion to intervene in the foreclosure proceeding should be affirmed.

2. Whether Whitburn, LLC's appeal from the final judgment of foreclosure should be dismissed.

HOLDINGS

1. The order denying Whitburn, LLC's motion to intervene in the underlying foreclosure proceeding is affirmed.
2. The appeal from the final judgment of foreclosure is dismissed.

FACTUAL BACKGROUND

The underlying matter was a foreclosure proceeding involving Bank of America, N.A. and other appellees. Whitburn, LLC sought to intervene in that proceeding, and the circuit court denied its motion. Whitburn also appealed the final judgment of foreclosure entered in the proceeding.

PROCEDURAL HISTORY

Whitburn appealed the circuit court's denial of its motion to intervene in the underlying foreclosure proceeding in case number 2D15-1639. Whitburn separately appealed the final judgment of foreclosure in case number 2D15-4046. The Second District affirmed the intervention ruling and dismissed the appeal from the foreclosure judgment.

DISPOSITION

other

CASES CITED

- Weber v. Pennymac Loan Trust 2010-NPL1, 193 So. 3d 1084 (Fla. 2d DCA 2016)
- Whitburn, LLC v. Wells Fargo Bank, N.A., 190 So. 3d 1087 (Fla. 2d DCA 2015)

OPINION

PER CURIAM.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT
WHITBURN, LLC,)) Appellant,)) v.) Case No. 2D15-1639) 2D15-4046 BANK OF
AMERICA, N.A.,) CARLOS RAMIREZ; EDERLE) CONSOLIDATED GREENE RAMIREZ;
BOYETTE) CREEK HOMEOWNERS) ASSOCIATION, INC.,)) Appellees.)) Opinion filed
January 20, 2017.

Appeal from the Circuit Court for Hillsborough County; Raul C. Palomino, Jr., and Wayne S. Timmerman, Senior Judges. Jamie A. Cummings and Heather A. DeGrave of Walters Levine Klingensmith & Thomson, P.A., Tampa, for Appellant. Alan M. Pierce of Liebler Gonzalez &

Portuondo, Miami, for Appellee, Bank of America, N.A. No appearance for remaining Appellees.
PER CURIAM.

In appeal number 2D15-1639, we affirm the order on appeal denying Whitburn, LLC's motion to intervene in the underlying foreclosure proceeding. See *Weber v. Pennymac Loan Trust 2010–NPL1*, 193 So. 3d 1084 (Fla. 2d DCA 2016) (citing *Whitburn, LLC v. Wells Fargo Bank, N.A.*, 190 So. 3d 1087 (Fla. 2d DCA 2015)).

In appeal number 2D15-4046, we dismiss Whitburn's appeal from the final judgment of foreclosure entered in that proceeding. See *id.* Affirmed in part and dismissed in part.
NORTHCUTT, WALLACE, and SALARIO, JJ., Concur. -2-