

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

IMRAN CHAUDHRY,

Appellant,

v.

Case No. 5D18-709

DAVID J. PEDERSEN AND MIRIAM
PEDERSEN,

Appellees.

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Opinion filed February 8, 2019

Appeal from the Circuit Court
for Orange County,
Heather L. Higbee, Judge.

Barry Rigby, of Law Offices of Barry Rigby,
P.A., Orlando, for Appellant.

Lawrence M. Kosto, of Kosto & Rotella,
P.A., Orlando, and David J. Pedersen,
Orlando, for Appellees.

EVANDER, C.J.

Imran Chaudhry appeals an order granting a motion to dismiss his second amended complaint as to Miriam Pedersen. We have jurisdiction,¹ and reverse the order of dismissal.

¹ See *Pipeline Constructors, Inc. v. Transition House, Inc.*, 257 So. 3d 606, 608 (Fla. 1st DCA 2018) (holding that although order dismissing action was “without prejudice” it had the effect of a final order and, thus, appellate court had jurisdiction).

In his second amended complaint, Chaudhry alleged that he had a fiduciary relationship with David Pedersen and that Mr. Pedersen had agreed to attend a tax sale and purchase a certain parcel of real property on Chaudhry's behalf. It was further alleged that Mr. Pedersen was to thereafter convey the property to Chaudhry. Instead, according to the second amended complaint, Mr. Pedersen acquired the property in his name and that of his wife, Miriam Pedersen, and then refused to convey the property to Chaudhry.

In count I of his second amended complaint, Chaudhry alleged that Mr. Pedersen had breached his contract with Chaudhry and requested that the court compel the Pedersens to convey the property to him. The trial court granted Mrs. Pedersen's motion to dismiss on the ground that the second amended complaint did not allege a cause of action against her. This was error. Florida Rule of Civil Procedure 1.210(a) provides that "any person may be made a defendant who has or claims an interest adverse to the plaintiff" and "[a]ny person may at any time be made a party if that person's presence is necessary or proper to a complete determination of the cause."

Here, Mrs. Pedersen has an interest in the subject real property that is adverse to Chaudhry's claim and her presence is necessary to a complete determination of Chaudhry's claim that the property should be conveyed to him. *See Santiago v. Sunset Cove Invs., Inc.*, 988 So. 2d 10, 13–14 (Fla. 2d DCA 2008) (holding that in specific performance action brought by prospective purchaser of real property against vendor, third party was required to be joined in action where third party had acquired title to the property from vendor subsequent to alleged agreement between prospective purchaser and vendor); *see also Sudhoff v. Fed. Nat'l Mortg. Ass'n*, 942 So. 2d 425, 427–28 (Fla. 5th DCA 2006) (holding that even though wife had not signed promissory note and was

not on deed to property, wife was necessary party to mortgage foreclosure action where she was on the mortgage and had right of redemption in property).

REVERSED and REMANDED.

LAMBERT and EISNAUGLE, JJ., concur.