

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

DYCK-O'NEAL, INC.,

Appellant,

v.

HEATHER LANHAM,

Appellee.

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

CASE NO. 1D16-1624

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Opinion filed April 24, 2017.

An appeal from the Circuit Court for Gadsden County.  
Martin A. Fitzpatrick, Judge.

Susan B. Morrison of the Law Offices of Susan B. Morrison, Tampa, for Appellant.

Rick A. Savage of Savage Law Office, Tallahassee, for Appellee.

PER CURIAM.

Because the circuit court lacked subject matter jurisdiction to consider Appellant's independent action at law for a deficiency decree in this post-foreclosure proceeding, the order on appeal is void, and hereby quashed. See Higgins v. Dyck-O'Neal, Inc., 201 So. 3d 157, 166-67 (Fla. 1st DCA 2016) (holding that a party is not entitled to pursue a separate action for deficiency judgment where the foreclosure

complaint includes a prayer for a deficiency judgment and the foreclosure court reserves jurisdiction to enter a deficiency judgment). In so ruling, we certify conflict with Garcia v. Dyck–O'Neal, Inc., 178 So. 3d 433 (Fla. 3d DCA 2015); Dyck-O'Neal, Inc. v. Hendrick, 200 So. 3d 181 (Fla. 5th DCA 2016); Gdovin v. Dyck-O'Neal, Inc., 198 So. 3d 986 (Fla. 2d DCA 2016); Dyck–O'Neal, Inc. v. McKenna, 198 So. 3d 1038 (Fla. 4th DCA 2016).

WOLF, RAY, and MAKAR, JJ., CONCUR.