

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13115
Non-Argument Calendar

ROMADE ASSET PARTNERS, L.P.,
a Georgia limited partnership,
THE THALL FAMILY PARTNERSHIP,
a Delaware limited partnership,
PB REAL ESTATE INVESTMENTS, LLC,
a Florida limited liability company,
THE E.T. FAMILY PARTNERSHIP,
a Florida general partnership,

Plaintiffs-Appellees,

versus

PRESCOTT LESTER,
PETER LESTER,
as successor Trustees of The David Minkin Florida Realty Trust
dated December 12, 1996 and as Co-Trustees of the
Peter L. Briger Florida Trust, the Paul H. Briger Florida Trust,
the Robert Thall Florida Trust, the Howard Lester Florida Trust,
and the Patricia B. Lester Florida Trust,

Defendants-Trustees-Appellants,

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THE LESTER FAMILY INVESTMENTS, L.P.,
a Delaware limited partnership, et al.,

Defendants.

Appeals from the United States District Court
for the Southern District of Florida
D.C. Docket No. 9:22-cv-81914-WM

Before JILL PRYOR, LAGOA, and ABUDU, Circuit Judges.

PER CURIAM:

Appellees filed an action for the district court to order the partition of three parcels of real property and the division of proceeds from such sale according to the rights of the parties. The district court determined that the Uniform Partition of Heirs Property Act, Fla. Stat. § 64.201 et seq. (“UPHPA”), applied to the properties. In three later orders, it determined the date of fair market value determination for the property, the fair market value of the property, and the equitable accounting, and it provided notice of buyout rights under Fla. Stat. § 64.207. Appellants appeal those three orders.

Appellees filed a motion to dismiss the appeal for lack of jurisdiction, arguing that those orders are not final or otherwise appealable because they did not actually partition the properties. Appellants reply that we have jurisdiction because the district court has determined all issues necessary to conduct the buyout.

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Under the statute's plain terms, the UPHPA leaves more for the district court to do than the mere formality of execution of judgment before this partition action is resolved. *See Fla. Stat. § 64.207*. We therefore conclude that the appealed orders do not constitute the final decision of the district court on the merits. *See 28 U.S.C. § 1291; Acheron Cap., Ltd. v. Mukamal*, 22 F.4th 979, 986 (11th Cir. 2022).

Accordingly, appellees' motion to dismiss is GRANTED, and this appeal is DISMISSED for lack of jurisdiction. Appellants' motion for leave to file a sur-reply and amended motion to seal their response to the motion to dismiss are GRANTED. All other pending motions are DENIED as moot.