Third District Court of Appeal

State of Florida

Opinion filed October 28, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D24-2310
Lower Tribunal No. 18-14905-FC-04

Yaimi Alvarez,
Appellant,

vs.

Raiza Cueto, etc.,
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Jason Emilios Dimitris, Judge.

Angulo Diaz Law Group, P.A., and Yelina Angulo, for appellant.

Kula & Associates, P.A., and Elliot B. Kula and William D. Mueller, for appellee.

Before LINDSEY, GORDO, and GOODEN, JJ.

LINDSEY, J.

Appellant, Yaimi Alvarez challenges a post-judgment order compelling the sale of a marital property entered after a hearing on Appellee, Raiza Cueto's motion to compel sale of property. Alvarez raises numerous issues on appeal. We dismiss as premature Alvarez's appeal of the award of attorney's fees and costs. In all other aspects, we affirm.[1]

By way of background, on August 26, 2022, the trial court entered a Final Judgment of Dissolution of Marriage between Alvarez and Miguel A. Ramos, the Former Husband (the "Dissolution Judgment"). The Dissolution Judgment established the parties' property rights and ordered the equitable distribution of marital assets and liabilities.

The Dissolution Judgment ordered the sale of four marital properties within specified timeframes, including real property located on 12810 SW 18th Street, Miami, FL 33175 (the "Property") and the assisted living facility business that existed on that property, Aldara Home, Inc. (the "Business"). Regarding the Property and Business at issue in this appeal, the Dissolution Judgment provided:

> 12810 SW 18th Street, Miami, FL 3317: Property shall be listed for sale and the net proceeds after payment of all liabilities, brokers' fees and closing costs shall be equally split between the Parties.
>
> . . .

[1] On all other issues unrelated to the trial court's grant of attorney's fees and costs, we have jurisdiction. See Fla. R. App. P. 9.130(a)(3)(C).

> Aldara Home, Inc.: Business was already ordered to be listed for sale. Property shall be listed with Realtor Luciana Gonzalez and upon the sale of same the net proceeds after payment of all liabilities, brokers' fees and closing costs shall be equally split between the Parties.

The Dissolution Judgment also reserved jurisdiction for enforcement purposes, stating: "[t]he Court retains jurisdiction to enforce this Order."

Ramos passed away several months after the Dissolution Judgment. Raiza Cueto, as Personal Representative of Ramos's Estate, was substituted as a party as most of the assets contemplated in the Dissolution Judgment had yet to be distributed under the Dissolution Judgment's terms.

Following Cueto's appearance, the trial court entered an Order on the Former Husband's Emergency Motion to Enforce Final Judgment (the "Enforcement Order"), which established additional procedures for the court-ordered sale of the remaining properties, including both the Property and the Business. The Enforcement Order allowed Alvarez to purchase the Property and the Business for $600,000, but absent that timely purchase, the order set listing prices, timeframes, an agreed upon realtor (the "Realtor"), and reiterated the parties' obligation to sell the properties as required by the Dissolution Judgment.

Alvarez did not make an offer to purchase the Property and the Business within the time specified in the Enforcement Order. Thus, the Realtor listed the Property and Business for sale.

In January 2024, a prospective buyer executed purchase agreements for both the Business and the Property (the "Purchase Agreements"). But nearly a year later, the transactions did not close. During that time, Alvarez had allowed the mortgage loan on the Property to become delinquent. By October 2024, foreclosure proceedings had been initiated against the Property, with the lender claiming that Alvarez had not made mortgage payments since May 2024. The prospective buyer was nevertheless willing to purchase the Property to avoid foreclosure despite not finalizing the purchase of the Business.

In response, Cueto filed an Urgent Motion to Compel Sale of Property (the "Motion to Compel"), seeking immediate enforcement of the sale provisions in the Dissolution Judgment to prevent foreclosure and protect the marital estate.

On November 19, 2024, the trial court held a hearing on the Motion to Compel. On November 26, 2024, the trial court granted the Motion (the "Order Compelling Sale"). The Order Compelling Sale ordered the immediate sale of the Property to preserve value and prevent foreclosure.

Alvarez then filed a Motion for Reconsideration. The trial court, following another hearing, denied the Motion for Reconsideration in an unelaborated order.[2] This timely appeal followed.

After a thorough review of the record before us, the procedural and factual history and the applicable law, and limited specifically to the facts of this case, we find the trial court committed no reversible error in compelling the sale of the Property that the Dissolution Judgment already mandated.

In addition, the trial court's ruling on attorney's fees and costs only addressed entitlement and did not set an amount. So, we lack jurisdiction to review this issue and dismiss this aspect of the appeal as premature. See Child v. Child, 34 So. 3d 159, 160 n.1 (Fla. 3d DCA 2010); Smith v. Smith, 169 So. 3d 220, 221 (Fla. 2d DCA 2015).[3]

Affirmed in part; dismissed in part.

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[2] The record does not contain a transcript of either hearing held before the trial court.

[3] Neither party questioned our jurisdiction to review the attorney's fees and costs findings on appeal. That said, we "have an independent duty to determine the existence of jurisdiction in every case" and must dismiss those issues over which there is no jurisdiction. Bloomgarden v. Mandel, 154 So. 3d 451, 453 (Fla. 3d DCA 2014).