

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2025-0396
Lower Tribunal No. 2024-CA-002863

WEBBER COMMERCIAL PROPERTIES, LLC,

Appellant,

v.

MAMA VAGNE ENTERPRISES, INC., MD ZAHIRUL HAQUE BHUIYUAN, SHAR FARAJ,
SYED S. ALAM, and TAMMANA C. AHMED,

Appellees.

Appeal from the Circuit Court for Lee County.
Michael T. McHugh, Judge.

May 1, 2026

PER CURIAM.

Webber Commercial Properties, LLC appeals the trial court's nonfinal order on its summary proceedings for possession and Appellees' motion to determine rents. We affirm the parts of the order on Appellant's summary proceedings for possession without further discussion. As to the challenge to the parts of the order on Appellees' motion to determine rents, we dismiss for lack of jurisdiction. *See* Fla. R. App. P. 9.130(a)(3)(C)(ii) ("Appeals to the district courts of appeal of nonfinal orders are limited to those that . . . determine . . . the right to immediate

possession of property.”); *Aqua Bay Luxury Apartments, Inc. v. Ivory at Bay Harbour, LLC*, 406 So. 3d 1100, 1101 (Fla. 3d DCA 2025) (dismissing for lack of jurisdiction the appeal of an order on a motion to determine rents because the order is not enumerated in rule 9.130(a)(3) and was not the basis for the issuance of the writ of possession); *see also Walker v. Fla. Gas Transmission Co., LLC*, 134 So. 3d 571, 572 (Fla. 1st DCA 2014) (“[T]he categories of non-final orders subject to interlocutory appeal are narrowly construed.” (citing *Travelers Ins. Co. v. Bruns*, 443 So. 2d 959, 961 (Fla. 1984))); *Greene v. Borsky*, 961 So. 2d 1057, 1058–60 (Fla. 4th DCA 2007) (Farmer, J., dissenting) (analyzing rule 9.130(a)(3)(C)(ii) and concluding that it applied only to orders determining the right to immediate possession of tangible personal property or real property, not to orders determining the amount of a debt).

AFFIRMED in part; DISMISSED in part.

STARGEL, WHITE and KAMOUTSAS, JJ., concur.

Brian D. Zinn, of Zinnlaw, PLLC, Fort Myers, for Appellant.

Jack C. Morgan, III, of Aloia Roland Lubell & Morgan PLLC, Fort Myers, for Appellees, Mama Vagne Enterprises, Inc., MD Zehirul Haque Bhauiyuan, Syed S. Alam, and Tammana C. Ahmed.

Matthew S. Toll, of Toll Law, Cape Coral, for Appellee, Shar Faraj.

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