

ORIX FINANCIAL SERVICES, INC., f/k/a
ORIX Credit Alliance, Inc.,

Appellant,

v.

DONALD D. MACLEOD and KIM MACLEOD,
his wife, ANY UNKNOWN TENANTS at the
property located at 198 Avenue, Old Town,
Florida, parcel identification number
12-09-13-000-4013-0100,

Appellees.

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

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

CASE NO. 1D07-1770

Opinion filed February 19, 2008.

An appeal from the Circuit Court of Dixie County.
Frederick L. Koberlein, Judge.

James E. Foster and Virginia B. Townes of Akerman Senterfitt, Orlando, and
Katherine E. Giddings of Akerman Senterfitt, Tallahassee, for Appellant.

Robert N. Clarke, Jr., and Martin B. Sipple of Ausley & McMullen, P.A., Tallahassee,
for Appellees.

PER CURIAM.

Appellant, Orix Financial Services, Inc., recorded a judgment lien on certain
real property in Dixie County, since acquired by appellees Donald and Kim MacLeod.

When appellant sought to foreclose its judgment lien, the trial court entered final summary judgment in favor of appellees. We must reverse.

In Anderson v. North Florida Production Credit Ass'n, 642 So. 2d 88 (Fla. 1st DCA 1994), this court resolved the situation presented by a creditor's proper recordation of a lien followed by improper or erroneous indexing by the clerk of the circuit court. The trial court here erred by failing to follow Anderson.

We adhere to the reasoning of the Anderson court. In Anderson, this court viewed the dictates of section 695.11, Florida Statutes, as unambiguous. See also Fed. Land Bank of Columbia v. Dekle, 148 So. 756 (Fla. 1933). The statute provides that official recordation occurs at such time as the office of the clerk of the circuit court affixes to an instrument the official register numbers required by law "and at such time shall be notice to all persons." § 695.11, Fla. Stat. (1995). As in First American Title Insurance Co. of St. Lucie County, Inc. v. Dixon, 603 So. 2d 562 (Fla. 4th DCA 1992), appellees' remedy, if any, will lie against the title insurer or abstractor or against the clerk of the circuit court itself, which can make no claim of sovereign immunity.

REVERSED and REMANDED for entry of judgment in favor of appellant.

KAHN, WEBSTER, and ROBERTS, JJ., CONCUR.