

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed October 1, 2008.

Not final until disposition of timely filed motion for rehearing.

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No. 3D07-2584

Lower Tribunal No. 04-2637

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**Clifford P. Russell, individually, as Co-Trustee of CPR Trust, as a limited partner, and on behalf of The Russell Company, Ltd.,**  
Appellant,

vs.

**The Russell Company Ltd., a Florida Limited Partnership; Woolbright Investments, Inc., as a Florida Corporation, and as General Partner of The Russell Company, Ltd.; Lois Russell, individually, as Co-Trustee of The Russell Revocable Trust, as Co-Trustee of the TR Trust; and Donald S. Rosenberg, as Co-Trustee of The Russell Revocable Trust, as Co-Trustee of the TR Trust, as Co-Trustee of the LR Trust, as Co-Trustee of the CPR Trust, and Linda Russell, individually, Co-Trustee of the LR Trust, as a limited partner and on behalf of The Russell Company, Ltd.**  
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Norman S. Gerstein, Judge.

Brian R. Hersh and Andrew M. Teschner, for appellant.

Dunwoody White & Landon and Jack A. Falk, Jr., for appellees.

Before GERSTEN, C.J., and COPE and SALTER, JJ.

PER CURIAM.

Affirmed. State of Del. ex rel. Gebelein v. Belin, 456 So. 2d 1237, 1241 (Fla. 1st DCA 1984); see also Bartlett v. Dumaine, 523 A.2d 1, 13 (N.H. 1986); In Re Flagg's Estate, 73 A.2d 411, 414 (Pa. 1950); Estate of George S. Halas, Jr., 568 N.E.2d 170, 178 (Ill. App. Ct. 1991); George G. Bogert, Trusts and Trustees § 343 (2d ed. rev. 1993).