

# Third District Court of Appeal

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

Opinion filed May 7, 2008.

Not final until disposition of timely filed motion for rehearing.

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No. 3D07-2623

Lower Tribunal No. 03-190

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**David White,**  
Appellant,

vs.

**Robert Middleton and Estate of Howard E. Bennett, Deceased,**

Appellees.

An Appeal from the Circuit Court for Monroe County, David J. Audlin Jr.,  
Judge.

Akerman Senterfitt and Margaret D. Mathews, Bridget Remington and  
Louis Andrew LaGrande (Tampa), for appellant.

Wayne Larue Smith, Christian Cruz and Amy Beth Maloy (Key West), for  
appellee Robert Middleton.

Before WELLS and SUAREZ, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed.