

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM A.D., 2005

FINLAY CLINICS, INC., a Florida  
corporation,

\*\*

Appellant,

\*\*

\*\*

vs.

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ABACUS HEALTH SYSTEMS, INC., a  
Florida corporation,

CASE NO. 3D04-1573

\*\*

LOWER

TRIBUNAL NO. 03-1776

Appellee.

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Opinion filed March 9, 2005.

An Appeal from the Circuit Court for Miami-Dade County,  
Roberto M. Pineiro, Judge.

Alan C. Gold and James L. Parado, for appellant.

Lauri Waldman Ross; Michael Schiffrin, for appellee.

Before SHEPHERD and CORTIÑAS, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

We affirm the decision below that the transactions in  
question were, as a matter of law, not loans of money to which

usury statutes could apply. See *Perry v. Beckerman*, 97 So. 2d 860 (Fla. 1957); *Foster v. Weber*, 578 So. 2d 857 (Fla. 5<sup>th</sup> DCA 1991). See generally *Carter v. Four Seasons Funding Corp.*, 351 Ark. 637, 97 S.W.3d 387 (2003).