

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM A.D., 2004

TRACY POSNER WARD, KELLY POSNER-  
GERSTENHABER, JARRETT POSNER,  
and SEAN POSNER,

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\*\*

Appellants

vs.

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CASE NO.3D03-2989

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CONSOLIDATED: 3D03-2973

BRENDA NESTOR, as Personal  
Representative of the Estate of  
Victor Posner, and TROY POSNER,

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LOWER

TRIBUNAL NO. 05-595

02-2058

Appellees

02-1027

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Opinion filed October 13, 2004.

An Appeal from the Circuit Court for Miami-Dade County, D.  
Bruce Levy, Judge.

Hunton & Williams and Marty Steinberg and Thomas R. Julin  
and Eduardo Gonzalez and Daniel Fridman for appellants Kelly  
Posner-Gerstenhaber, Jarrett Posner and Sean Posner; Alschuler  
Grossman Stein & Kahan and Stanton L. Stein and Mark A. Neubauer  
and Michael A. Sherman and Rebecca Edelson; Golden & Cowan and  
Edward I. Golden and Steven M. Toister, for appellant Tracy  
Posner Ward.

Ferrell, Schultz, Carter & Fertel and Joseph Beeler;  
Tescher, Gutter, Chaves, Josepher, Rubin, Ruffin & Forman and  
Norman A. Fleisher; Kirkland & Ellis and Andrew B. Clubok and  
Richard A. Cordray and John P. Consoulin, for appellees.

Before SHEVIN, WELLS and SHEPHERD, JJ.

PER CURIAM.

Tracy Posner Ward, Kelly Posner-Gerstenhaber, Jarret Posner, and Sean Posner, petitioners seeking partial or total revocation of Victor Posner's June 28, 2001 will, appeal from two probate court orders, one approving a settlement agreement between co-petitioner Troy Posner, Victor Posner's estate and the personal representative individually, the other denying their joint motion for appointment of an administrator ad litem.

Upon consideration of the arguments made in the parties' briefs and at oral argument, we dismiss both appeals as premature without prejudice to re-raising both issues following final disposition of the revocation proceedings.