

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2013

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

RENEE JUNE MCPHEETERS,

Appellant,

v.

Case No. 5D12-3625

GUARDIANSHIP OF RODGER F. MCPHEETERS, ETC.,

Appellee.

_____ /

Opinion filed July 26, 2013

Appeal from the Circuit Court
for Citrus County,
Patricia V. Thomas, Judge.

Jerome Rotenberg, of Carney &
Associates, P.A., Crystal River, for
Appellant.

William H. Phelan, Jr., of Bond,
Arnett, Phelan, Smith & Craggs, P.A.,
Ocala, for Appellee.

PER CURIAM.

Renee McPheeters appeals the trial court's order dismissing her petition to adjudicate her husband, Rodger, incompetent, and finding that it was filed in bad faith. We affirm in part and dismiss in part.

We affirm the order insofar as it dismissed the petition to determine incapacity and found bad faith on the part of Mrs. McPheeters. However, that portion of the court's

order determining attorney's fees is not ripe for review because it merely determined that Appellee is entitled to attorney's fees pursuant to section 744.331(7)(c), Florida Statutes (2010), but did not determine the amount of fees. See Garcia v. Valladares, 99 So. 3d 518, 518 (Fla. 3d DCA 2011); see also Allstate Ins. Co. v. Jenkins, 32 So. 3d 163, 165 (Fla. 5th DCA 2010). Accordingly, we dismiss the portion of the appeal regarding attorney's fees as premature.

AFFIRMED in part; DISMISSED in part.

ORFINGER and COHEN, JJ., and SCHUMANN, B. B., Associate Judge, concur.