

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

CHARLES B. BARNIV, CYNTHIA
BARNIV and BRUCE WITKIND,

Appellants,

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

v.

CASE NO. 1D11-6828

BANKTRUST, an Alabama Banking
corporation, CCB, L.L.C., a Florida
Limited Liability Company, L&J
DEVELOPMENT, L.L.C., a Florida
Limited Liability Company, and
DRIFTWOOD ESTATES PHASE II
HOMEOWNERS ASSOCIATION,
INC., a Florida Non-profit
Corporation,

Appellees.

Opinion filed April 27, 2012.

An appeal from the Circuit Court for Walton County.
Kelvin C. Wells, Judge.

John N.C. Ledbetter of Ledbetter & Associates, P.L., Destin, for Appellants.

George M. Walker and Paul T. Beckmann of Hand Arendall LLC, Mobile, AL; C.
Jeffrey McInnis of Anchors Smith Grimsley, PLC, Fort Walton Beach, for
Appellees.

PER CURIAM.

We reverse the lower court's order denying appellants' emergency motion to
quash writs of execution and garnishment, because appellants' counterclaims

against appellee remain pending. See Millennium Group I, L.L.C. v. Attorneys Title Insurance Fund, Inc., 847 So. 2d 1115 (Fla. 1st DCA 2003); Norris v. Paps, 615 So. 2d 735 (Fla. 2d DCA 1993); Peterson v. Affordable Homes of Palm Beach, Inc., 65 So. 3d 112 (Fla. 4th DCA 2011); Carpenter v. Super Pools, Inc., 534 So. 2d 426 (Fla. 5th DCA 1988); Davar Corp. v. Tropic Land Improvement Corp., 330 So. 2d 482 (Fla. 4th DCA 1976).

REVERSED and REMANDED.

PADOVANO, LEWIS, and WETHERELL, JJ., CONCUR.