

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

ELIZABETH ADELE GREENE,
Appellant,

v.

LLOYD PATRICK MCLAUGHLIN,
Appellee.

No. 4D04-3394

[June 22, 2005]

PER CURIAM.

We find no error in the trial court naming the father primary residential parent in this dissolution action even though he did not file a UCCJEA affidavit. In this case the mother, who filed the petition for dissolution, did file a proper UCCJEA affidavit which established that the trial court had jurisdiction over custody. See *Patterson v. Tomlinson*, 875 So. 2d 646 (Fla. 4th DCA 2004) (UCCJEA affidavit requirement satisfied by petition sworn by mother in paternity action which established the facts necessary to give the court jurisdiction over custody). Nor does the mother's argument that the father failed to request custody in a pleading have merit, first because the father denied the mother's claim in her pleading that she should be awarded custody, *Murphy v. Murphy*, 621 So. 2d 455 (Fla. 4th DCA 1993); second, the record indicates that the issue was tried by consent. Affirmed.

WARNER, KLEIN and TAYLOR, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Susan F. Greenhawt, Judge; L.T. Case No. 03-010575 (37-91).

Monica I. Salis of Salis & Ganin, P.A., Pompano Beach, for appellant.

Matthew J. Schaefer of Matthew J. Schaefer, P.A., Fort Lauderdale, for appellee.