

**Third District Court of Appeal**  
**State of Florida, January Term, A.D. 2011**

Opinion filed February 9, 2011.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-1707  
Lower Tribunal No. 07-26930

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**5th Avenue Real Estate Development, Inc.,**  
Appellant,

vs.

**Wachovia Bank, N.A.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Maxine Cohen Lando, Judge.

Inger M. Garcia (Fort Lauderdale), for appellant.

Fox Rothschild and Amy S. Rubin and Derek R. Young (West Palm Beach), for appellee.

Before GERSTEN and WELLS, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed.