

# **Third District Court of Appeal**

**State of Florida, January Term, A.D. 2011**

Opinion filed July 6, 2011.

Not final until disposition of timely filed motion for rehearing.

---

No. 3D10-708

Lower Tribunal No. 06-5277

---

**Peter Rubio and John Rubio,**  
Appellants,

vs.

**The Estate of Delia Rubio,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Arthur  
Rothenberg, Judge.

Robert M. Abramson, for appellants.

No appearance, for appellee.

Before ROTHENBERG and LAGOVA, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

The order of distribution of the estate in question contained a clear and obvious mistake in providing that the appellants “assumed” the mortgages on the property distributed to them, rather than taking it “subject to” the mortgages. The trial court therefore erred in denying a motion to correct the error and the cause is remanded to accomplish that purpose.

Reversed in part with directions.