

Third District Court of Appeal

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

Opinion filed June 29, 2011.

Not final until disposition of timely filed motion for rehearing.

Nos. 3D10-2576 & 3D10-3449
Lower Tribunal No. 01-4625

Edward J. LoCascio,
Appellant,

vs.

The Estate of Silvia M. LoCascio,
Appellee.

Appeals from the Circuit Court for Miami-Dade County, Arthur L. Rothenberg, Judge.

Austin Carr, for appellant.

Golden & Cowan and William J. Glasko, for appellee.

Before SUAREZ and LAGOA, JJ., and SCHWARTZ, Senior Judge.

SCHWARTZ, Senior Judge.

Edward J. LoCascio appeals from an order removing him as successor personal representative of his deceased mother's estate. See *LoCascio v. Sharpe*, 23 So. 3d 1209 (Fla. 3d DCA 2009); see also *Golden & Cowan, P.A. v. In re Estate of LoCascio*, 41 So. 3d 1113 (Fla. 3d DCA 2010). Because the "hearing" which preceded the ruling did not meet even the most rudimentary requirements of due process, including without limitation the presentation of evidence, it is reversed and the cause remanded with directions to reinstate the appellant as personal representative and for the prompt final resolution of this already over-protracted proceeding.¹

¹ We consider that this ruling obviates any reason for a curator or any other extraneous entity to administer the estate.