

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

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

ANN THERESA BIRKMIRE,

Appellant,

v.

Case No. 5D15-2893

REX ALAN BIRKMIRE,

Appellee.

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Opinion filed June 2, 2017

Appeal from the Circuit Court  
for Seminole County,  
Jessica J. Recksiedier, Judge.

Dorothy J. McMichen, of McMichen,  
Cinami & Demps, PLLC, Orlando,  
for Appellant.

Marcia K. Lippincott, of Marcia K.  
Lippincott, P.A., Lake Mary, for  
Appellee.

PER CURIAM.

We determine that Appellant's challenge to the order of modification of child support is meritorious in one respect. The trial court erred in retroactively modifying support to a date before the petition seeking the relief was filed. *Galperin v. Galperin*, 862 So. 2d 10, 12 (Fla. 2d DCA 2003). On remand, the court shall order the reduction in child

support retroactive to December 4, 2012, and recalculate Appellee's credit accordingly.

In all other respects, the judgment is affirmed.

AFFIRMED IN PART; REVERSED IN PART AND REMANDED.

TORPY, EVANDER and WALLIS, JJ., concur.