

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

**JAMES B. DAY, GARY ALLEN DAY, GLENN DAY, JR., and DONNA
DAY BAILEY,**
Appellants,

v.

**ROBERT NOVA, CAREN T. NOVA, CARMELA CUSUMANO TRUST,
ROBERT L. CUSUMANO,** Trustee, **WILLIAM MITCHELL and CAROLYN
MITCHELL,**
Appellees.

No. 4D04-4862

[November 16, 2005]

PER CURIAM.

Affirmed. See Sapp v. Anderson, 673 So. 2d 569 (Fla. 4th DCA 1996).

GUNTHER, GROSS and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Diana Lewis, Judge; L.T. Case No. 502003CA001376XXORAF.

James D. Ryan and Lauren J. Schindler of Ryan & Ryan, Attorneys, P.A., North Palm Beach, for appellants.

Michael J. Posner and Michael L. Grant of Ward, Damon & Posner, P.A., West Palm Beach, for appellees Robert Nova and Caren T. Nova.

Terence John Watterson and J. Henry Cartwright of Watterson Eavenson & Zappolo, LLC, Palm Beach Gardens, for appellees William Mitchell and Carolyn Mitchell.

John C. Dotterrer of John C. Dotterrer Counsellors at Law, P.A., Palm Beach, for appellee Carmela Cusumano Trust, Robert L. Cusumano,

Trustee.

Not final until disposition of timely filed motion for rehearing.