

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

GLOBAL ENTERPRISES, SRL, an Italian Corporation,
Appellant,

v.

ARNOLD ALPERT, an individual, and **TILE EXPRESS, INC.**, a Florida
corporation,
Appellees.

No. 4D05-4642

[October 11, 2006]

PER CURIAM.

Appellant challenges the trial court's order dismissing its complaint for lack of standing based upon appellee's motion to dismiss. We reverse, as the court went beyond the allegations of the complaint to determine the issue. *See Payne v. City of Miami*, 927 So. 2d 904, 906 (Fla. 3d DCA 2005). We remand for further proceedings.

WARNER, KLEIN and GROSS, JJ., CONCUR.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Robert A. Rosenberg, Judge; L.T. Case No. 04-012526 (25)(BM).

Kraig S. Weiss of Silverberg & Associates, P.A., Weston, for appellant.

Adam G. Heffner of Law Offices of Adam G. Heffner, P.A., Boca Raton, for appellees.

Not final until disposition of timely filed motion for rehearing.