

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

WARREN M. FABEL,
Appellant,

v.

DOREEN L. MASTERSON and **FRANK ZAMIELLO,**
Appellees.

No. 4D06-4716

[August 1, 2007]

FARMER, J.

In *Fabel v. Masterson*, 951 So.2d 934 (Fla. 4th DCA 2007), we reversed a summary judgment in favor of appellees. In this appeal, we review an award of prevailing party attorneys fees based on the summary judgment since reversed. From our decision on the merits, it follows that the award of attorneys fees must also be reversed.

Reversed.

STONE and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case No. 502003CA009335XXCD AA.

Robert Rivas of Sachs & Sax, Tallahassee, for appellant.

John C. Dotterrer and Jennifer Torres of John C. Dotterrer, P.A., Palm Beach, for appellees.

Not final until disposition of timely filed motion for rehearing.