

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2009

GLADYS EHRLICH,
Appellant,

v.

PATRICIA K. ALLEN,
Appellee.

Nos. 4D08-1715 and 4D08-2228

[July 1, 2009]

FARMER, J.

As we did in *Ehrlich v. Severson*, 985 So.2d 639 (Fla. 4th DCA 2008), with regard to fees of the examining committee, we reverse the award of fees to the attorney for the alleged ward. In this case involving the same involuntary petition to determine competency in which the subject was not found incompetent, any award of fees incurred by counsel appointed to represent the subject must come, if at all, from the petitioner. See § 744.331(7)(c), Fla. Stat. (2007) (“If the petition is dismissed, costs and attorney's fees of the proceeding may be assessed against the petitioner if the court finds the petition to have been filed in bad faith”).

Reversed.

POLEN and GERBER, JJ., concur.

* * *

Consolidated appeals from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen L. Martin, Judge; L.T. Case No. 502006GA000469XXXXMB and 502006MH001440XXXXMB.

Roger C. Hurd and Robert P. Ross of Hurd, Horvath & Ross, P.A., Palm Beach Gardens, for appellant.

Lynn G. Waxman of Lynn G. Waxman, P.A., West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.