

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

BNB CONSTRUCTION, INC.,
and **BRIAN A. BENT,**
Petitioners,

v.

NICON CONSTRUCTION, INC.,
Respondent.

No. 4D09-1137

[July 15, 2009]

PER CURIAM.

Petitioners, BNB Construction, Inc. and Brian A. Bent, seek review of an order that requires them to deposit funds from four bank accounts into the court registry. As petitioners were not parties to the litigation below when the order issued, we exercise certiorari review and grant the petition. The funds paid by Arch Insurance Company to Stonebridge Gardens, Section Two, Condominium Association, Inc. did not remain specifically identifiable in petitioners' various business and personal accounts to permit the relief granted. *M.I. Indus. USA Inc. v. Attorneys' Title Ins. Fund, Inc.*, 6 So. 3d 627 (Fla. 4th DCA 2009).

TAYLOR, HAZOURI and DAMOORGIAN, JJ., concur.

* * *

Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cheryl J. Aleman, Judge; L.T. Case No. 08-12163 (21).

Diane H. Tutt of Diane H. Tutt, P.A., Davie, for petitioners.

Edward J. Kuchinski of Sivyer Barlow & Watson, P.A., Tampa, for respondent.

Not final until disposition of timely filed motion for rehearing.