

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ERIC COWGILL and DANA COWGILL	)	
YEAGER,	)	
	)	
Appellants,	)	
	)	
v.	)	CASE NOS. 2D02-1258 & 2D01-5425
	)	-----CONSOLIDATED-----
BANK OF AMERICA, as Personal	)	
Representative, and MICKEY	)	
COWGILL, individually,	)	
	)	
Appellees.	)	
_____	)	

Opinion filed November 15, 2002.

Appeal from the Circuit  
Court for Pasco County;  
Wayne L. Cobb, Judge;  
Maynard F. Swanson, Jr., Judge.

Bonita Kneeland Brown of Fowler,  
White, Boggs, Banker, P.A.,  
Tampa, for Appellants.

Phillip A. Baumann and J. Richard  
Caskey of Akerman, Senterfitt &  
Eidson, P.A., Tampa, for  
Appellee Mickey Cowgill.

No Appearance for Appellee Bank  
of America.

WHATLEY, Judge.

We affirm the summary judgment entered in favor of Mickey Cowgill on

the ground that the action filed by Eric Cowgill and Dana Cowgill Yeager, the Appellants, was barred by the statute of limitations.

We reverse the award of attorney's fees to Mickey Cowgill pursuant to section 57.105(1), Florida Statutes (2000), because the Appellants' claim was arguably supported by material facts and then-existing law.

Affirmed in part and reversed in part.

STRINGER and SILBERMAN, JJ., Concur.