

# Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed May 25, 2011.

Not final until disposition of timely filed motion for rehearing.

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No. 3D10-3175

Lower Tribunal No. 09-56050

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**Aspen Specialty Insurance Company,**  
Appellant,

vs.

**Omas Investments, LLC d/b/a Kings Row Apartments,**  
Appellee.

An Appeal from a Non-Final order from the Circuit Court for Miami-Dade County, Gisela Cardonne Ely, Judge.

Boehm, Brown, Fischer, Harwood, Kelly & Scheihing, and Michaela D. Scheihing and Michael B. Germain (Dayton Beach), for appellant.

Alvarez, Carbonell, Feltman, Jimenez & Gomez, and Paul B. Feltman, for appellee.

Before RAMIREZ, C.J., and CORTIÑAS and SALTER, JJ.

PER CURIAM.

ON CONFESSION OF ERROR

Upon the appellee's proper and commendable confession of error, the order of November 1, 2010, is reversed. This case is remanded to the circuit court for further proceedings including, without limitation, an evidentiary hearing regarding the appellee's compliance with post-loss obligations under the applicable policy of insurance.

The Court declines to address the appellant's arguments regarding the validity or enforceability of the insurance policy, as the non-final order granting the appellee's motion to compel appraisal did not specifically address that issue. This case will be removed from the oral argument calendar for May 31, 2011.