

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, 2001

MARTHA ROSENFELDT,	**	
Appellant,	**	
vs.	**	CASE NO. 3D00-1421
ARLEN HOUSE EAST CONDOMINIUM ASSOCIATION, INC.,	**	LOWER TRIBUNAL NO. 98-10960
Appellee.	**	

Opinion filed October 10, 2001.

An Appeal from the Circuit Court for Dade County, Thomas S. Wilson, Jr., Judge.

Silverstein, Silverstein & Silverstein; Hersch & Talisman and Patrice A. Talisman, for appellant.

Parenti, Falk, Waas, Hernandez & Cortina and Gail Leverett Parenti, for appellee.

Before LEVY, GREEN, and FLETCHER, JJ.

PER CURIAM.

In view of the fact that there were disputed issues of material fact relating to equipment in the garbage room, including

the flaps on the garbage chute and the lack of an overhead cylindrical closer on the door to the garbage room, we hold that the summary judgment under review herein was improvidently entered. Accordingly, the said judgment is reversed and this cause is remanded for further proceedings consistent herewith.

Reversed.