

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, A.D. 2002

ROBERT COHEN,

**

Appellant,

**

**

vs.

CASE NO. 3D01-3057

GERALD SCHWARTZ, as Personal
Representative of the Estate
of Irene Cohen,

**

**

LOWER
TRIBUNAL NO. 77-5590

Appellee.

**

Opinion filed October 30, 2002.

An Appeal from the Circuit Court for Miami-Dade County, Maria M. Korvick, Judge.

Sender & Wasserman, and Harvey Sender; Alan C. Gold; and Jesse C. Jones, for appellant.

Golden & Cowan, and Edward I. Golden; and Jay M. Levy, for appellee.

Before SCHWARTZ, C.J., and RAMIREZ, J., and NESBITT, Senior Judge.

PER CURIAM.

Robert Cohen appeals an order that authorized the execution of a settlement agreement and supplemental settlement agreement in a

Florida estate to which he is a beneficiary entitled to receive an equal one-third distribution. We reverse, pursuant to section 733.602, Florida Statutes (2001), because appellee Gerald Schwartz, the personal representative of the Florida estate, admits that Cohen will not receive an equal share under the settlement agreement.

Reversed.