

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

SUZANNE CHURCH,

**

Appellant,

**

vs.

**

DONALD HANFT, M.D., and
DONALD HANFT, M.D., P.A.,

**

CASE NO. 3D03-1792
LOWER TRIBUNAL NO.95-13954

**

Appellees.

**

Opinion filed February 25, 2004.

An appeal from the Circuit Court for Miami-Dade County,
Margarita Esquiroz, Judge.

Craig Z. Sherar and Patricia M. Arias, for appellant.

Fowler White Burnett and Ronald G. Neiwirth, for appellees.

Before LEVY, GERSTEN, and WELLS, JJ.

PER CURIAM.

Suzanne Church appeals from an order vacating a show cause
order directing Charles Schwab & Company, Inc. to disburse benefits
from an Individual Retirement Account.

We affirm that portion of the order that relieves Charles

Schwab of any obligation to show cause why it should not disburse retirement benefits to Church, a judgment creditor. See § 222.21(2)(a), Fla. Stat. (2003) ("any money . . . payable" to a participant from a qualified retirement plan is "exempt from all claims of creditors of the . . . participant"). However, we reverse the remainder of the order relating to the status of the retirement benefits after they have left Charles Schwab's hands as premature.

Affirmed in part, reversed in part.