

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

ARLETY MERCADO,

**

Appellant,

**

vs.

**

CASE NO. 3D03-2036

BRUCE FITELL, P.A. and
TATE MANAGEMENT, INC.

**

LOWER
TRIBUNAL 97-2277

**

Appellees.

Opinion filed June 30, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Jennifer Bailey, Judge.

Friedman & Friedman, and John S. Seligman, for appellant.

Blaxberg, Grayson, Kukoff & Segal, and I. Barry Blaxberg,
and Ian J. Kukoff for appellee.

Before GERSTEN, GREEN, and SHEPHERD, JJ

PER CURIAM.

We reverse the trial court's order denying the appellant's
right to pursue a negligence claim against a court appointed

receiver. Because the appellant filed this negligence complaint within the four year statute of limitations contained in Section 95.11(3), Florida Statutes (2004), the trial court's ruling to the contrary constitutes obvious error and requires reversal. See Hardy Equip. Co., Inc. v. Travis Cosby & Assoc., Inc., 530 So. 2d 521 (Fla. 1st DCA 1988); Pezzi v. Brown, 697 So. 2d 883 (Fla. 4th DCA 1997).

Reversed.