

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

PATRICIA POLLAK WEISS,

Appellant,

vs.

PHYLLIS POLLAK BERKETT,
Individually and as the
Successor Interim Trustee of the
Trusts Under the Will of Albert
Pollak, Deceased,

Appellee.

Opinion filed June 23, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Arthur Rothenberg, Judge.

Patricia Pollak Weiss (Sag Harbor, NY), in proper person.

Hirschorn & Bieber, P.A., and Joel Hirschhorn and Brian H.
Bieber, for appellee.

Before SCHWARTZ, C.J., and SHEVIN, J., and DAUKSCH, James C.,
Jr., Senior Judge.

PER CURIAM.

This is an appeal from an order dismissing a complaint in a
probate matter.

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** CASE NO. 3D03-3171

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** LOWER

** TRIBUNAL NO. 01-4024

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Although the order is not explicit in its reasons, we are not convinced that any proper grounds for dismissal were presented by appellee. Therefore, the order is reversed and this cause remanded for further proceedings toward the end of a trial on the merits.

Reversed and remanded.