

Supreme Court of Florida

No. 66,716

ANDREW BENDER, Petitioner,

vs.

FIRST FIDELITY SAVINGS AND
LOAN ASSOCIATION OF WINTER
PARK f/k/a/ FIRST FEDERAL
SAVINGS AND LOAN ASSOCIATION
OF MARTIN COUNTY,

Respondent.

[JULY 17, 1986]

PER CURIAM.

We have for review Bender v. First Fidelity Savings and Loan Association of Winter Park, 463 So.2d 445 (Fla. 4th DCA 1985). The opinion is in conflict with Miller v. Fortune Insurance Co., 453 So.2d 489 (Fla. 2d DCA 1984). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

Based on our decision in Miller v. Fortune Insurance Co., 484 So.2d 1221 (Fla. 1986), we approve the decision of the court below.

It is so ordered.

McDONALD, C.J., and ADKINS, BOYD, EHRLICH and SHAW, JJ., Concur
OVERTON, J., Dissents with an opinion

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

OVERTON, J., dissenting.

I dissent for the reasons expressed in my dissent in
Miller v. Fortune Insurance Co., 484 So. 2d 1221 (Fla. 1986).

Application for Review of the Decision of the District Court
of Appeal - Direct Conflict of Decisions

Fourth District - Case No. 84-2646

John W. Case, Fort Lauderdale, Florida,

for Petitioner

Robert L. Lord, Jr. of Papy, Poole, Weissenborn and Papy, Coral
Gables, Florida,

for Respondent