

Supreme Court of Florida

No. 67,843

HARRY HORN and SALA HORN,
his wife, Petitioners,

vs.

SHELDON GREENE & ASSOCIATES, Inc.,
a Florida corporation; and
LITWIN REALTY, INC., a Florida
corporation, Respondents,

[January 5, 1987]

PER CURIAM

We granted review of the decision of the Third District Court of Appeal, Sheldon Greene & Associates v. Rosinda Investments, N.V., 475 So.2d 925 (Fla. 3d DCA 1985), on the basis that it expressly and directly conflicted with Shuler v. Allen, 76 So.2d 879 (Fla. 1955). Upon further examination of the record and reconsideration of the holdings of these two cases, we find they are factually distinguishable. We therefore dismiss the petition for review.

It is so ordered.

MCDONALD, C.J., ADKINS, BOYD, OVERTON, SHAW and BARKETT, JJ., concur
EHRlich, J., dissents

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

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

Third District - Case No. 84-857

Joseph C. Jacobs and Robert M. Ervin, Jr. of Ervin, Varn, Jacobs,
Odom and Kitchen, Tallahassee, Florida,

for Petitioners

Kevin F. Kline and Donald M. Klein of Kline, Moore and Klein,
P.A., Coconut Grove, Florida,

for Respondents