

Third District Court of Appeal

State of Florida

Opinion filed August 3, 2022.
Not final until disposition of timely filed motion for rehearing.

No. 3D21-1104
Lower Tribunal No. 18-38085

Enrique Benedicto Perez, et al.,
Appellants,

vs.

The Estate of Ofelia Reitman,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Carlos Guzman, Judge.

Tepps Treco, and William A. Treco (Plantation), for appellants.

William Wong, P.A., and William Wong, for appellee.

Before LINDSEY, HENDON, and LOBREE, JJ.

PER CURIAM.

ON MOTION FOR REHEARING

We grant rehearing, withdraw our prior opinion, and reverse and remand for an evidentiary hearing pursuant to section 45.032, Florida Statutes (2022). See § 45.032(3)(b) (“If any person other than the owner of record claims an interest in the proceeds prior to the date that the clerk reports the surplus as unclaimed or if the owner of record files a claim for the surplus but acknowledges that one or more other persons may be entitled to part or all of the surplus, the court shall set an evidentiary hearing to determine entitlement to the surplus.”).

Reversed and remanded with instructions.