

Third District Court of Appeal

State of Florida

Opinion filed September 9, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-2174
Lower Tribunal No. 16-2253

Edward I. Golden, etc., et al.,
Appellants,

vs.

David Howard Goldberg, etc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Mindy S. Glazer,
Judge.

Jonathan H. Green & Associates, P.A., and William Jay Palmer and Tanya
Garcia Vega, for appellants.

David Howard Goldberg, P.L., and David Howard Goldberg, for appellee.

Before LOGUE, SCALES, and LINDSEY, JJ.

PER CURIAM.

Appellants Thomas Sharp, as the sole beneficiary of the Estate of Katherine Jones, and Edward I. Golden, as the Curator of the Estate, appeal an order of the probate court determining that attorney David Howard Goldberg, of David Howard Goldberg, P.L., was entitled to a fee for defending the Guardian, Anthony Romano, after the death of Jones against two petitions for surcharge for Romano's alleged breaches of fiduciary duties.¹ Finding no reversible error, we affirm. See Schlesinger v. Jacob, 240 So. 3d 75, 77 (Fla. 3d DCA 2018); see also Sugarman v. Galbut, 693 So. 2d 640 (Fla. 3d DCA 1997).²

Affirmed.

¹ Prior to Jones's death, the lower court had appointed Romano as her guardian.

²Appellants also appeal the probate court's reservation of jurisdiction to determine Goldberg's fees and costs incurred in litigating his fee petition. Because the trial court has not set an amount of fees and costs, if any, we are without jurisdiction to address that portion of the order on appeal. See Acosta v. Tower Hill Signature Ins. Co., 245 So. 3d 882, 883 (Fla. 3d DCA 2018) (“[W]e are without jurisdiction to address the portion of the appeal relating to attorney's fees . . . because no amount has been fixed by the trial court and the part of the final judgment that finds entitlement thereto is not ripe for our review.” (quoting Diaz v. Citizens Prop. Ins. Corp., 227 So. 3d 735, 736–37 (Fla. 3d DCA 2017))).