

# **Third District Court of Appeal**

**State of Florida, July Term, A.D. 2010**

Opinion filed December 1, 2010.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D10-170  
Lower Tribunal No. 07134

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**Loren Johnson, as Trustee of the Elfreda Amritt Revocable Trust,**  
Appellant,

vs.

**Kelly Amritt,**  
Appellee.

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

Koch & Trushin and Bradley M. Trushin and Douglas S. Schapiro (Fort Lauderdale), for appellant.

Joseph W. Gibson, for appellee.

Before SUAREZ, CORTIÑAS, and LAGOA, JJ.

PER CURIAM.

We review the trial court’s order “approving and authorizing the payment of attorney’s fees” to the former emergency temporary guardian’s counsel. After a thorough review of the record, we hold that the trial court did not make the requisite findings for an award of attorney’s fees. See Fla. Patient’s Comp. Fund v. Rowe, 472 So. 2d 1145, 1151-52 (Fla. 1985). “An order awarding attorneys’ fees is ‘fundamentally erroneous on its face’ when the trial court fails ‘to make specific findings as to the hourly rate, the number of hours reasonably expended, and the appropriateness of reduction or enhancement factors as required by [Rowe, 472 So. 2d at 1151].” Parton v. Palomino Lakes Prop. Owners Ass’n, Inc., 928 So. 2d 449, 453 (Fla. 2d DCA 2006) (quoting Baratta v. Valley Oak Homeowners’ Ass’n at the Vineyards, Inc., 891 So. 2d 1063, 1065 (Fla. 2d DCA 2004)). We reverse the order on appeal and remand with instructions for the trial court to make the requisite findings set forth in Rowe and its progeny and state the basis for awarding any such attorney’s fees.

Reversed and remanded.