

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MARY CATHRYN MARTINI,)
)
Appellant,)
)
v.)
)
ESTATE OF LOUISE B. CONNER,)
deceased; and WILLIAM H. HUTCHINGS,)
as Personal Representative,)
)
Appellees.)
_____)

Case No. 2D12-921

Opinion filed May 22, 2013.

Appeal from the Circuit Court for Pasco
County; Walter L. Schafer, Jr., Judge.

D. Christopher Alfonso of D. Christopher
Alfonso, P.L., Tampa, for Appellant.

Patricia A. Carroll of Law Offices of Patricia
Carroll, P.A., Dade City, for Appellees.

LaROSE, Judge.

Mary Cathryn Martini appeals the probate court's order denying her
petition to determine property exempt from the Estate of Louise B. Conner, Ms. Martini's
mother. See §732.402, Fla. Stat. (2011); Fla. Prob. R. 5.406. We have jurisdiction. Fla.
R. App. P. 9.170(b)(13). Ms. Martini argues that the denial of her petition without notice

and an opportunity to be heard violated her due process rights. See art. I,§9, Fla. Const.; Ryan's Furniture Exch., Inc. v. McNair, 162 So. 483, 487 (Fla. 1935); Fleming v. Demps, 918 So. 2d 982, 984-85 (Fla. 2d DCA 2005); Shappell v. Guardianship of Naybar, 876 So. 2d 690, 691 (Fla. 2d DCA 2004). William H. Hutchings, as personal representative of the Estate of Louise B. Conner, concurs. Therefore, we reverse and remand for reconsideration of the petition after notice and a hearing.

Reversed and remanded.

NORTHCUTT and CRENSHAW, JJ., Concur.