

# Supreme Court of Florida

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No. SC10-631

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**ELLEN LUCILLE SMITH, etc., et al.,**  
Petitioners,

vs.

**SOUTHLAND SUITES OF ORMOND BEACH, LLC., et al.,**  
Respondents.

[October 9, 2014]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Fifth District Court of Appeal in Estate of Smith v. Southland Suites of Ormond Beach, LLC., 28 So. 3d 103 (Fla. 5th DCA 2010), based on express and direct conflict. See art. V, § 3(b)(3), Fla. Const. After further consideration, we conclude that jurisdiction was improvidently granted. Accordingly, we hereby discharge jurisdiction and dismiss this review proceeding.

It is so ordered.

LABARGA, C.J., and PARIENTE, QUINCE, CANADY, POLSTON, and  
PERRY, JJ., concur.  
LEWIS, J., dissents.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fifth District - Case No. 5D08-3383

(Volusia County)

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