

CHARLES B. BARNIV, CYNTHIA
BARNIV and BRUCE WITKIND,

Appellants,

v.

BANKTRUST, an Alabama Banking corporation, CCB, L.L.C., a Florida Limited Liability Company, L&J DEVELOPMENT, L.L.C., a Florida Limited Liability Company, and DRIFTWOOD ESTATES PHASE II HOMEOWNERS ASSOCIATION, INC., a Florida Non-profit Corporation,

Appellees.

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D11-6828

Opinion filed April 27, 2012.

An appeal from the Circuit Court for Walton County.
Kelvin C. Wells, Judge.

John N.C. Ledbetter of Ledbetter & Associates, P.L., Destin, for Appellants.

George M. Walker and Paul T. Beckmann of Hand Arendall LLC, Mobile, AL; C. Jeffrey McInnis of Anchors Smith Grimsley, PLC, Fort Walton Beach, for Appellees.

PER CURIAM.

We reverse the lower court's order denying appellants' emergency motion to quash writs of execution and garnishment, because appellants' counterclaims

against appellee remain pending. See Millennium Group I, L.L.C. v. Attorneys Title Insurance Fund, Inc., 847 So. 2d 1115 (Fla. 1st DCA 2003); Norris v. Paps, 615 So. 2d 735 (Fla. 2d DCA 1993); Peterson v. Affordable Homes of Palm Beach, Inc., 65 So. 3d 112 (Fla. 4th DCA 2011); Carpenter v. Super Pools, Inc., 534 So. 2d 426 (Fla. 5th DCA 1988); Davar Corp. v. Tropic Land Improvement Corp., 330 So. 2d 482 (Fla. 4th DCA 1976).

REVERSED and REMANDED.

PADOVANO, LEWIS, and WETHERELL, JJ., CONCUR.