

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2008

GREGORY LAURENCE ANDERSON AND THRESSA J. ANDERSON,

Appellant,

v.

Case No. 5D06-4208

JOHN C. WOLF, CONI G. WOLF, ET AL.,

Appellee.

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Opinion filed December 19, 2008

Appeal from the Circuit Court
for St. Johns County,
Patti A. Christensen, Judge.

Daniel A. Nicholas, Wesley Chapel, for
Appellant.

Harris Brown of Harris Brown, P.A.,
Jacksonville, for Appellee.

PER CURIAM.

The appellants, Gregory Anderson and Thressa Anderson, have asked this court to review the grant of a summary judgment in favor of the appellees, John C. Wolf and Coni Wolf, in this case involving the purchase and sale of a residence. Although this case is quite ancient, and we certainly comprehend the trial court's decision to grant a summary judgment, we conclude, nevertheless, that we must reverse.

It is well-settled that a summary judgment should not be granted until the facts have been developed to such an extent that the court may be reasonably certain that

there are no genuine issues of material fact to be determined. See, e.g., *Singer v. Star*, 510 So. 2d 637 (Fla. 4th DCA 1987); *Kemper v. First Nat'l Bank of Dayton, Ohio*, 277 So. 2d 804 (Fla. 3d DCA 1973). In the present case there is substantial discovery yet to be completed, and that discovery should resolve whether there are any remaining issues of fact. We conclude, therefore, that the motion of the appellants for a continuance of the summary judgment hearing to allow for additional discovery should have been granted.

Accordingly, we reverse the final summary judgment and remand this case to the trial court for the completion of discovery. The reversal of the summary judgment is, however, without prejudice to its reassertion by the appellants if appropriate.

REVERSED and REMANDED with INSTRUCTIONS.

MONACO, EVANDER and COHEN, JJ., concur.