IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JANUARY TERM, A.D. 1998

PATRICIA MIZELL,

**

Appellant, **

vs.

** CASE NO. 97-2868

DONALD MIZELL,

** LOWER

TRIBUNAL NO. 96-24655

Appellee. **

Opinion filed June 3, 1998.

An Appeal from the Circuit Court for Dade County, Eugene J. Fierro, Judge.

Scott A. Ferris, for appellant.

Allison Doliner Hockman, for appellee.

Before SCHWARTZ, C.J., and JORGENSON and LEVY, JJ.

PER CURIAM.

Putting aside the equivocal and essentially meaningless evidence of the wife's alleged misconduct, which even the appellee acknowledges is insufficient to justify the result, there is no lawful basis upon which to sustain the rulings below, which altogether denied the claims for alimony and attorneys' fees by the wife, who was earning \$17,000.00 per year, upon a dissolution of her twenty-year three-child marriage with the appellee, who made

\$58,000.00. Accordingly, the judgment below is reversed with directions to award permanent periodic alimony and reasonable attorneys' fees in amounts to be appropriately determined after remand.

In addition, the written award of support against the wife for one of the children is unsupported by any evidence (or, indeed, any actual determination of the point by either the general master or the trial court) and is therefore vacated.

Otherwise, the judgment under review is affirmed.

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JANUARY TERM, A.D. 1998

JUNE 3, 1998

PATRICIA MIZELL,

** CASE NO. 97-02868

Appellant(s), **

V5.

**

DONALD MIZELL,

** LOWER

TRIBUNAL NO. 96-24655

Appellee(s).

Upon consideration, appellant's motion for attorney fees and costs is granted and remanded to the trial court to fix the amount. SCHWARTZ, C.J., and JORGENSON and LEVY, JJ., concur.

A True Copy

ATTEST:

LOUIS J. SPALLONE

Clerk District (

Appeal.

Bv

cc: Scott A. Ferr Harvey Ruvin

/RH

Allison Doliner Hockman Hon. Eugene J. Fierro