



Perez v. Allstate Ins. Co.

Fla.App. 3 Dist.,1998.

District Court of Appeal of Florida,Third District.

Zenaida PEREZ, Appellant,

v.

ALLSTATE INSURANCE COMPANY, Appellee.

**No. 97-3192.**

April 1, 1998.

Rehearing Denied June 3, 1998.

An Appeal from the Circuit Court for Dade County;  
[Lawrence Schwartz](#), Judge.

Marks and Truppman, Miami, and Harold R. Klite  
Truppman; [Lauri Waldman Ross](#), Miami, for appel-  
lant.

Angones, Hunter, McClure, Lynch & Williams and  
[Christopher J. Lynch](#), Miami, for appellee.

Before [SCHWARTZ](#), C.J., and [COPE](#) and [GREEN](#),  
JJ.

PER CURIAM.

Upon the sole condition that the insured file the  
sworn proof of loss required by the policy in support  
of her claim for additional insured damages, the order  
below denying appraisal is reversed on the authority  
of [\\*592Allstate Ins. Co. v. Sierra, 705 So.2d 119](#)  
([Fla. 3d DCA 1998](#)), and the cause is remanded with  
directions to order appraisal.

[SCHWARTZ](#), C.J., and [GREEN](#), J., concur.

[COPE](#), J., concurs in part and dissents in part.[COPE](#),  
Judge, concurring in part and dissenting in part.

I concur that the insured must provide the sworn  
proof of loss, but would hold that the insured must  
comply with the other provisions of Section I(3) of  
the policy before the appraisal clause is triggered.

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709 So.2d 591, 23 Fla. L. Weekly D848

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