

Ritter v. Kieszowski  
Fla.App. 3 Dist.,2008.

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District Court of Appeal of Florida,Third  
District.

Steve RITTER, Appellant,

v.

Anna KIESZKOWSKI, Appellee.

No. 3D07-2536.

Jan. 16, 2008.

**Background:** Action was brought for dissolution of marriage. The Circuit Court, Dade County, Paul Siegel, J., entered final judgment of dissolution which awarded wife temporary rehabilitative alimony. Husband appealed.

**Holding:** The District Court of Appeal held that trial court abused its discretion by awarding temporary rehabilitative alimony. Reversed in part with directions and affirmed in part.

#### Divorce 134 ↻247

##### 134 Divorce

134V Alimony, Allowances, and Disposition of Property

134k230 Permanent Alimony

134k247 k. Commencement and Termination. Most Cited Cases

Trial court abused its discretion in awarding temporary rehabilitative alimony to wife in divorce action, where marriage lasted only 14 months and produced no children, wife had talent and training but chose

not to pursue a job in her field, and no evidence was given that wife's earning ability suffered during marriage.

Ross and Girten, and Lauri Waldman Ross, Miami; Robert S. Singer, North Miami Beach, for appellant.

Philip D. Parrish, for appellee.

Before GREEN, SHEPHERD, and CORTIÑAS, JJ.

PER CURIAM.

\*1 The former husband appeals from a final judgment of dissolution of marriage which awarded temporary rehabilitative alimony to the former wife. He argues, and we agree, that the trial court abused its discretion in awarding rehabilitative alimony where this was a marriage of short duration (14 months) which produced no children; the former wife had talent and training but chose not to pursue a job in her field; and there was no evidence in this record that the former wife's earning ability suffered during this marriage. *See Sierra v. Sierra*, 776 So.2d 966 (Fla. 3d DCA 2000); *Sutton v. Hart*, 746 So.2d 1175 (Fla. 3d DCA 1999); *Edgington v. Edgington*, 588 So.2d 1055 (Fla. 3d DCA 1991); *Edwards v. Edwards*, 529 So.2d 777 (Fla. 3d DCA 1988); *Poppe v. Poppe*, 412 So.2d 38 (Fla. 3d DCA 1982). We therefore reverse and vacate the award of rehabilitative alimony and the loan provision with directions that any amounts already paid to the former wife under these provisions be set off against the remainder of monies owed to the former wife pursuant to the final judgment.

Reversed in part with directions and affirmed in part.

--- So.2d ----

--- So.2d ----, 2008 WL 141196 (Fla.App. 3 Dist.), 33 Fla. L. Weekly D238  
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