

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2024-1896
Lower Tribunal No. 2020-CP-2980

KYLE FURTEK,

Appellant,

v.

ANTHONY W. KELLEY, individually and as Personal Representative of the ESTATE
OF TAMI A. KELLEY,

Appellee.

Appeal from the Circuit Court for Collier County.
Elizabeth V. Krier, Judge.

October 17, 2025

NARDELLA, J.

We dismiss the appeal to the extent it challenges the lower court's order awarding the personal representative his reasonable attorney fees and costs but reserved ruling on the amount of those fees and costs. *See, e.g., Lopez-Cortes v. Am. Fam. Life Assurance Co. of Columbus*, 398 So. 3d 597, 598 (Fla. 6th DCA 2024) (explaining court lacks jurisdiction to consider order determining entitlement to attorney fees but not the amount of the fee award). We affirm in all other respects. *See State v. Town of Sweetwater*, 112 So. 2d 852, 854 (Fla. 1959) (two paragraph

argument in appellants' brief insufficient to overcome presumption of correctness attaching to trial court's ruling by clearly demonstrating error); *Samuels v. King Motor Co. of Fort Lauderdale*, 782 So. 2d 489, 498 (Fla. 4th DCA 2001) ("By failing to explain why their allegations are sufficient to state a claim for fraud in the performance, the Plaintiffs have fallen short of their burden on appeal to show 'clearly, definitively, and fully' how the trial court reversibly erred."); *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979) ("Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory.").

AFFIRMED in part; DISMISSED in part.

STARGEL and MIZE, JJ., concur.

Nikki A. Uri, of Nikki A. Uri, LLC, Naples, for Appellant.

Hugh D. Hayes and M. Travis Hayes, of Gunster, Yoakley & Stewart, P.A., Naples, for Appellee.

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