

2015 WL 4774662

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District Court of Appeal of Florida,  
First District.

Lisa KEMP, Wife, Appellant,  
v.  
Ian Keith KEMP, Husband, Appellee.

No. 1D15-824. | Aug. 14, 2015.

An appeal from the Circuit Court for Clay County. Daniel  
F. Wilensky, Judge.

#### Attorneys and Law Firms

Seth Schwartz and Eric Lawson of The Schwartz Law  
Group, P.A., Jacksonville, for Appellant.

Allison E. Folds of Folds & Walker, LLC, Gainesville,  
for Appellee.

#### Opinion

PER CURIAM.

\*1 Lisa Kemp, the wife, appeals from a non-final order  
granting immediate monetary relief to her and Ian Kemp,  
the husband, in a pending action for dissolution of  
marriage. We reverse and remand for reconsideration of  
the wife's motion for temporary attorney's fees.

After a hearing on the wife's motion for temporary  
attorney's fees, at which she requested approximately  
\$25,000 in past-due fees and \$43,000 in prospective fees,  
the court issued an order finding that the husband lacks  
the ability to pay the wife's attorney's fees and directing  
that each party receive \$25,000 from marital bank  
accounts that were previously inaccessible due to a court  
order. The court acknowledged that it lacked authority to  
order an interim partial equitable distribution because the  
statutory requirements for such an order were not met.  
However, the court also did not award attorney's fees to  
the wife and provided monetary support to the husband  
when no request for such relief was properly before it. It  
ordered that both parties' fees be paid from a marital  
account without indicating any intent to reallocate this  
money at a final hearing. Therefore, despite its intent not  
to do so, the court effectively made an interim equitable  
distribution and denied the wife's motion for attorney's  
fees. Because an interim partial equitable distribution may  
not be ordered in the absence of a verified motion  
requesting such a distribution, we reverse and remand for  
reconsideration of the wife's motion for temporary  
attorney's fees. § 61.075(5), Fla. Stat. (2014); *Austin v.*  
*Austin*, 120 So.3d 669, 675 (Fla. 1st DCA 2013).

REVERSED and REMANDED.

THOMAS, WETHERELL, and RAY, JJ., concur.

#### All Citations

--- So.3d ----, 2015 WL 4774662 (Mem)