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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CAPITAL ONE BANK,

Petitioner,

APPELLATE DIVISION (CIVIL)

Case No.: 2007AP000162XXXXMB

L.T.: 2006SC014132XXXXMB

Division: 'AY'

DAISIE MELTON,

Respondent.

Opinion filed: APR 15 2008

Appeal from the County Court in and for Palm Beach County, Judge Peter Evans.

For Petitioner: Stanley B. Erskine, Esq., 55 Weston Rd., Ste. 300, Ft. Lauderdale, FL 33326

For Respondent: Michael L. Cohen, Esq., 1803 S. Australian Ave., Ste. A, West Palm Beach, FL 33409

PER CURIAM.

Rule 7.135, Florida Small Claims Rules provides that "[a]t pretrial conference or at any subsequent hearing, if there is no triable issue, the court shall summarily enter an appropriate order or judgment." The trial court, in permitting Capital One Bank to set a hearing on its Motion for Summary Claims only on the date of trial, acted well within its discretion. See Fla. Sm. Cl. R. 7.135. Based on the foregoing, it is

ORDERED AND ADJUDGED that the Amended Petition for Writ Mandamus and/or Writ of Supervisory Control is DENIED.

ROSENBERG, FINE AND MCCARTHY, JJ. concur.