

**IN THE TENTH JUDICIAL CIRCUIT  
FOR HARDEE, HIGHLANDS, AND  
POLK COUNTY, FLORIDA**

**Appeal No.: 2004AP-000015  
County Case No.: 2004CC-001175**

**THOMAS HEDDON,**

**Appellant,**

**v.**

**ANNE AVERY,**

**Appellee.**

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**OPINION OF THE COURT**

This is an appeal from the county court of Polk County, Judge Steven L. Selph presiding. The Appellant appeal the entry of a final order granting motion to dismiss with prejudice. This court has jurisdiction. Fla. R. App. P. 9.110. The ruling of the county court is affirmed.

The sole issue before this Court is whether the trial court erred in granting Appellee's motion to dismiss. The standard to be applied when reviewing an order granting a motion to dismiss is abuse of discretion. Rios v. Moore, 2005 WL 357436 (Fla. 3<sup>rd</sup> DCA 2005).

The Court finds that based on review of the record, the trial court did not abuse its discretion in dismissing Appellant's action.

Accordingly, it is ORDERED and ADJUDGED that the ruling of the county court is AFFIRMED.

DONE and ORDERED April 4, 2005.

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**RONALD HERRING**, Chief Judge