NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

MARGARET GRASSO, individually and as a purported Cotrustee of the Olga Grasso Revocable Living Trust; and MICHELLE GRASSO, individually and as a purported Cotrustee of the Olga Grasso Revocable Living Trust,

Appellants,

v.

OLGA GRASSO,

Appellee.

Case No. 2D13-5186

Opinion filed July 23, 2014.

Appeal from the Circuit Court for Pinellas County; Jack R. St. Arnold, Judge.

Roxanne Fixsen, Marie Tomassi, Bruce Marger, and Heidi L. Hobbs of Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis, P.A., St. Petersburg, for Appellants.

Joseph W. Fleece, III and Jeffrey A. Eisel of Baskin Fleece, Clearwater, for Appellee.

BLACK, Judge.

Margaret and Michelle Grasso, individually and as purported cotrustees of the Olga Grasso Revocable Living Trust (Trust), challenge various orders entered by

the trial court regarding the Trust. We reverse the cost/fee order entered on October 18, 2013, to the extent that it taxed costs against Margaret and Michelle individually in the amount of $7907.10 and remand with instructions to vacate that portion of the order. We affirm the trial court in all other respects without comment.

Olga Grasso asserted no claims against Margaret or Michelle in their individual capacities but only as purported cotrustees. As such, Margaret and Michelle were not parties to the action in their individual capacities and the trial court erred in taxing costs against them individually. See Beseau v. Bhalani, 904 So. 2d 641, 642 (Fla. 5th DCA 2005) ("Although Appellant, 'individually' was named in the complaint's caption, the body of the complaint makes clear that her claims were made solely as personal representative of the estate. Thus, Appellant was never a party to the action in her individual capacity.").

Affirmed in part; reversed in part; remanded.

ALTENBERND and MORRIS, JJ., Concur.