

527 So.2d 970 (Mem)
District Court of Appeal of Florida,
Fourth District.

DAVJOY, INC., Davjoy II, Inc., Joyce
L. Katz, individually, and Joyce
L. Katz, as Trustee, Appellants,
v.
The TRAVELERS INSURANCE
COMPANY, Appellee.

No. 87-1115. | July 13, 1988.

***970** Appeal of a non-final order from the Circuit Court for
Broward County; George A. Shahood, Judge.

Attorneys and Law Firms

Jeffrey M. Weissman and Ronald A. Shapo of Sparber,
Shevin, Shapo & Heilbronner, P.A., Miami, for appellants.

Andrew V. Tramont, Jr., and Jeffrey T. Foreman of Finley,
Kumble, Wagner, Heine, Underberg, Manley, Myerson &
Casey, P.A., Miami, for appellee.

Opinion

PER CURIAM.

We reverse the summary final judgment because we do not believe the appellee has carried its burden of demonstrating a lack of any material issues of fact entitling it to judgment without a trial. We are particularly ***971** concerned with the appellant's claim as to unconscionability concerning the alleged bar to prepayment contained in the loan documents, and the lack of evidence concerning this issue in the record in contrast with the allegations of unconscionability by the appellant. *Cf. Century Federal Savings & Loan Ass'n v. Madorsky*, 353 So.2d 868 (Fla. 1st DCA 1977).

DOWNEY, ANSTEAD and LETTS, JJ., concur.

Parallel Citations

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