

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2006

COLIN MUIR,

Appellant,

v.

Case No. 5D05-3675

CAROL ANN MUIR,

Appellee.

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Opinion filed December 29, 2006

Appeal from the Circuit Court
for Brevard County,
Morgan Laur Reinman, Judge.

Jason M. Gordon of Law Office of Jason
M. Gordon, Cocoa Beach, for Appellant.

No Appearance for Appellee.

PER CURIAM.

In *Muir v. Muir*, 925 So. 2d 356 (Fla. 5th DCA 2006) (*Muir I*), we determined that, based on contract language in the marital settlement agreement, the retroactive reduction in alimony should commence on the date Appellant started making reduced alimony payments. While *Muir I* was pending, the order being challenged in the instant appeal was entered. It determines alimony arrearages in contravention of the settlement agreement and our mandate in *Muir I*. On remand, the court shall recalculate arrearages consistent with *Muir I*.

We have considered and rejected, without discussion, Appellant's second point on appeal.

REVERSED and REMANDED.

SAWAYA, ORFINGER and TORPY, JJ., concur.