

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

BRENT HUTTON,

Plaintiff and Appellant,

v.

FIDELITY NATIONAL TITLE COMPANY,

Defendant and Respondent.

F063318/F063922

(Kern Super. Ct. Nos. CV-269732 &
CV-269733)

**ORDER MODIFYING OPINION AND
DENYING REHEARING
[CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on January 31, 2013, be modified as follows:

1. The disposition on page 28 is deleted and the following paragraph inserted in its place:

DISPOSITION

The trial court's order granting defendant's motion for contracted attorney fees and expenses is reversed.¹⁹ In all other respects, the judgment is affirmed. Each party shall bear their own costs.

¹⁹ This disposition is not intended to deny defendant recovery of statutory costs awarded by the trial court which were not based on contract.

This modification changes the judgment. Defendant's petition for rehearing is denied.

Kane, J.

WE CONCUR:

Gomes, Acting P.J.

Franson, J.