

DISTRICT COURT OF APPEAL OF FLORIDA

In re Estate of MacPhee

187 So. 2d 679 (Fla. Dist. Ct. App. 1966) · Decided June 8, 1966

SUMMARY

The Florida appellate court held that a presumption of undue influence arose where a beneficiary had a confidential relationship with the testator, actively procured the will, and received a substantial benefit under it. The court concluded that the evidence did not overcome the presumption and reversed the order denying revocation of probate, directing the trial court to revoke the will.

CASE DETAILS

COURT	District Court of Appeal of Florida
WRITING FOR THE COURT	Liles, Acting Chief Judge; Hobson, J.; Pierce, J.
JURISDICTION	Florida
DECIDED	June 8, 1966
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the county judge denying a petition to revoke probate of C. Minnie MacPhee's will on the ground of undue influence.
STANDARD OF REVIEW	The appellate court independently reviewed the testimony and record to determine whether the evidence overcame the presumption of undue influence.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Claude MacPhee v. William O. Rast

TOPICS

- undue influence
- will contests
- probate procedure
- probate
- power of attorney

PRACTICE AREAS

- Probate
- Wills and trusts
- Estate litigation

QUESTIONS PRESENTED

1. Whether a presumption of undue influence arose where the principal beneficiary occupied a confidential relationship with the testator, actively procured the will, and received a substantial benefit.
2. Whether the evidence was sufficient to overcome the presumption of undue influence and sustain probate of the will.

HOLDINGS

1. A presumption of undue influence arises when a beneficiary occupies a confidential relationship with the testator, actively participates in procuring the will, and receives a substantial benefit under it.
2. The evidence did not overcome the strong presumption of undue influence, so the order denying revocation of probate could not stand.

KEY QUOTATIONS

“We do not believe that this and other testimony, which we have very diligently studied, is sufficient to overcome the strong presumption of undue influence.” (681)

“Q During this conversation with her did she talk to you about her affairs in any manner ? A I don’t believe she said very much about them, maybe she mentioned something about how nice Mr. and Mrs. Rast had been to her since her husband’s illness, and I think she made one statement that she would like to see him have everything and that she felt that was what her husband wanted.” (681)

FACTUAL BACKGROUND

C. Minnie MacPhee executed a will five days before her death at age 88, naming William O. Rast executor and beneficiary of one-half of her estate. MacPhee had been living in a nursing home, had given Rast power of attorney, and relied on him for business advice and assistance. On the same day as the will, she conveyed her home-place to Rast and his wife, and Rast had been involved in other transactions that personally benefited him. Rast conveyed the will's provisions to its drafter, brought the will to MacPhee for execution, and secured the witnesses.

PROCEDURAL HISTORY

Claude MacPhee petitioned to revoke the probate of C. Minnie MacPhee's will, alleging that William O. Rast procured it through undue influence. After a trial before the county judge of Lake County and the presentation of several volumes of testimony, the county judge denied revocation. The District Court of Appeal reversed and directed the trial judge to grant the petition to revoke the will.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial judge was directed to enter an order granting the petition to revoke the will of C. Minnie MacPhee.

CASES CITED

- Zinnser v. Gregory, 77 So. 2d 611 (Fla. 1955)
- In re Reid's Estate, 138 So. 2d 342 (Fla. Dist. Ct. App. 1962)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/florida-district-court-of-appeal-of-florida/1966/in-re-estate-of-macphee-4rp2kpk0>