

FLORIDA THIRD DISTRICT COURT OF APPEAL

Jorge Mendia v. Abraham Figueroa Galvez

No. 3D24-0798 · No. No. 3D24-0798 · Decided August 27, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed final summary judgment declaring a quitclaim deed void ab initio because it conveyed homestead property without the surviving spouse’s joinder, as required by Article X, section 4(c) of the Florida Constitution. The court held that neither the parties’ 1998 post-nuptial agreement nor the accompanying quitclaim deed sufficiently waived the spouse’s homestead rights. The court concluded that the later unilateral conveyance was invalid as a matter of law.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Gooden, J.; Lindsey, J.; Gordo, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	August 27, 2025
DOCKET	No. 3D24-0798
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final summary judgment declaring a 2021 quitclaim deed void ab initio for violating the Florida Constitution's homestead-alienation restriction.
STANDARD OF REVIEW	De novo review of a final summary judgment involving constitutional, statutory, and contractual interpretation.
PRECEDENTIAL VALUE	Published opinion; precedential under applicable Florida appellate rules, subject to timely rehearing disposition.
PARTIES	Jorge Mendia v. Abraham Figueroa Galvez

TOPICS

- homestead
- deeds
- title disputes
- probate
- appellate procedure

PRACTICE AREAS

- real estate
- probate
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the 2021 quitclaim deed was void ab initio because the married owner's spouse did not join in the conveyance of homestead property.
2. Whether Galvez waived his constitutional homestead rights through the 1998 post-nuptial agreement.
3. Whether Galvez waived his constitutional homestead rights through the 1998 quitclaim deed.

HOLDINGS

1. Under article X, section 4(c) of the Florida Constitution, both spouses must join in a conveyance of homestead property owned by one spouse to a third party. A unilateral conveyance without the required spousal joinder is void ab initio.
2. The 1998 post-nuptial agreement did not waive Galvez's homestead rights because its waiver language was expressly limited to a possible subsequent dissolution proceeding, which never occurred.
3. The 1998 quitclaim deed did not waive Galvez's homestead rights because it did not specifically mention homestead or hereditament rights.

KEY QUOTATIONS

“The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse.” (6)

“A purported transfer of the homestead, not in compliance with constitutional requirements, is void.” (7)

“The phrase “if any” acknowledges the possibility that the event does not occur.” (10)

FACTUAL BACKGROUND

Abraham Figueroa Galvez and Magali Figueroa, who had been married since 1961, owned and occupied the property as their marital home. In 1998, they executed a post-nuptial agreement and quitclaim deed intended to transfer Galvez's interest to Figueroa, but neither document specifically addressed homestead or hereditament rights. In 2021, Figueroa conveyed the property to her second cousin Jorge Mendia by quitclaim deed without Galvez's signature or acknowledgment, and she died two months later while still married to Galvez. The property was treated as homestead property, and Galvez challenged Mendia's claimed ownership.

PROCEDURAL HISTORY

After Figueroa's death, Mendia asserted ownership of the property under a 2021 quitclaim deed. Galvez, Figueroa's surviving spouse and personal representative, sought a determination of homestead status and sued to invalidate the deed. The circuit court granted Galvez's motion for summary judgment, finding that the deed was void because Galvez had not joined in the conveyance and had not waived his homestead rights. The Third District affirmed.

DISPOSITION

affirmed

CASES CITED

- Fla. Hosp. Waterman, Inc. v. Buster, 984 So. 2d 478, 485 (Fla. 2008)
- Bechor v. Simcenter, Inc., 394 So. 3d 666, 668 (Fla. 3d DCA 2024)
- Duffner Fam. 2012 Irrevocable Tr. v. Lee R. Duffner Revocable Living Tr., 394 So. 3d 236, 239 (Fla. 3d DCA 2024)
- Kelli Snyder, Petitioner, v. Kent W. Davis, etc., Respondent, Snyder v. Davis, 699 So. 2d 999, 1001-02 (Fla. 1997)
- Rogers v. Guardianship Program of Dade Cnty., Inc., 408 So. 3d 846, 850-51 (Fla. 3d DCA 2025)
- In re Est. of Cleeves, 509 So. 2d 1256, 1258 (Fla. 2d DCA 1987)
- Jameson v. Jameson, 387 So. 2d 351, 353 (Fla. 1980)
- Yost-Rudge v. A to Z Props., Inc., 263 So. 3d 95, 96 (Fla. 4th DCA 2019)
- Mirzataheri v. FM E. Devs., LLC, 193 So. 3d 19, 22 (Fla. 3d DCA 2016)
- Vera v. Wells Fargo Bank, N.A., 178 So. 3d 517, 519 n.1 (Fla. 4th DCA 2015)
- Clemons v. Thornton, 993 So. 2d 1054, 1056 (Fla. 1st DCA 2008)
- Schlossberg v. Est. of Kaporovsky, 303 So. 3d 982, 987 (Fla. 4th DCA 2020)
- Thayer v. Hawthorn, 363 So. 3d 170, 173 (Fla. 4th DCA 2023)
- Rutherford v. Gascon, 679 So. 2d 329, 331 (Fla. 2d DCA 1996)
- City Nat'l Bank of Fla. v. Tescher, 557 So. 2d 615, 616 n.1 (Fla. 3d DCA 1990)
- Hulsh v. Hulsh, 431 So. 2d 658, 661 (Fla. 3d DCA 1983)
- Steffens v. Evans, 70 So. 3d 758, 759 (Fla. 4th DCA 2011)
- King v. Ellison, 648 So. 2d 666, 668 (Fla. 1994)

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