

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Michael D. Knadle, as Personal Representative v. Estate of
Evangeline Stewart Knadle

686 So. 2d 631 (Fla. 1st DCA 1996) · No. 95-3477 · Decided November 26, 1996

SUMMARY

The Florida First District Court of Appeal held that a decedent's homestead property lost its homestead character when the will directed the personal representative to sell the property and place the proceeds into the estate residue. The proceeds were therefore subject to the claim of a health care provider. The court affirmed and certified a question of great public importance concerning protection of homestead-sale proceeds under Article X, section 4(b) of the Florida Constitution.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Booth; Joanos; Wolf
JURISDICTION	Florida
DECIDED	November 26, 1996
DOCKET	95-3477
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order determining that the decedent's homestead property was an estate asset subject to creditors' claims.
PRECEDENTIAL VALUE	published and precedential Florida District Court of Appeal opinion
PARTIES	Michael D. Knadle, as Personal Representative v. Estate of Evangeline Stewart Knadle

TOPICS

- homestead
- creditor claims
- estate administration
- probate procedure
- appellate procedure

PRACTICE AREAS

- probate
- estate administration
- real estate
- creditor claims
- constitutional law

QUESTIONS PRESENTED

1. Whether a decedent's homestead loses its homestead character and becomes subject to creditors' claims when the will directs the personal representative to sell the property and place the proceeds into the estate residue for distribution to adult children.
2. Whether article X, section 4(b) of the Florida Constitution protects the proceeds of a homestead sale under those circumstances.

HOLDINGS

1. When a testator's will specifically directs that homestead property be sold and that the proceeds be placed in the estate residue for distribution with other assets, the property loses its homestead character and becomes subject to the claims of creditors.

KEY QUOTATIONS

“Because of this devise, the property lost its homestead character and, accordingly, became subject to the claim of Arbor Health Care.” (632)

“DOES SECTION 4(b), ARTICLE X OF THE FLORIDA CONSTITUTION PROTECT THE PROCEEDS OF THE SALE OF HOMESTEAD PROPERTY WHERE DECEDENT'S WILL DIRECTS THE PERSONAL REPRESENTATIVE TO SELL THE PROPERTY AND PLACE THE PROCEEDS INTO THE RESIDUE OF THE ESTATE FOR DISTRIBUTION TO DECEDENT'S ADULT CHILDREN?” (633)

FACTUAL BACKGROUND

Evangeline Stewart Knadle died testate on November 14, 1994, without a spouse and survived by two adult children. Her estate included real property declared as her homestead. Her will directed the personal representative to sell the homestead and place the net proceeds into the residue of the estate for distribution with the other assets. Arbor Health Care, which provided care to the decedent, filed a \$74,440.95 claim against the estate, and the personal representative asserted that the homestead remained protected from creditors.

PROCEDURAL HISTORY

After Evangeline Stewart Knadle died, Arbor Health Care filed a claim against her estate for \$74,440.95. The personal representative objected to the claim and petitioned to determine that the decedent's homestead was protected from creditors. The lower court ruled that the homestead was an estate asset because the decedent's will directed its sale and distribution of the proceeds to her children. The personal representative appealed, and the First District affirmed while certifying a question of great public importance.

DISPOSITION

affirmed

CASES CITED

- In re Estate of Price v. West Florida Hosp., Inc., 513 So. 2d 767 (Fla. 1st DCA), cause dismissed, 518 So. 2d 1274 (Fla. 1987)

- Elmowitz v. Estate of Zimmerman, 647 So. 2d 1064 (Fla. 3d DCA 1994)
- In re Estate of Tudhope, 595 So. 2d 312 (Fla. 2d DCA 1992)
- Public Health Trust of Dade County v. Lopez, Public Health Trust of Dade County v. Lopez, 531 So. 2d 946 (Fla. 1988)
- Hubert v. Hubert, 622 So. 2d 1049 (Fla. 4th DCA 1993), rev. denied, 634 So. 2d 624 (Fla. 1994)
- Bartelt v. Bartelt, 579 So. 2d 282 (Fla. 3d DCA 1991)

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