

FLORIDA THIRD DISTRICT COURT OF APPEAL

Arnold S. Wax v. Kerrin Friedman, as Personal Representative of the
Estate of Bonny L. Wax

Wax · No. 3D23-1942 · Decided October 29, 2025

SUMMARY

The Florida Third District Court of Appeal held that it had jurisdiction to review a partial final judgment dissolving the parties’ marriage, despite the trial court’s reservation of jurisdiction over remaining dissolution issues. The court concluded that the statutory residency requirement was jurisdictional and that the parties’ pleadings and the Husband’s uncorroborated testimony did not satisfy the requirement for corroborating evidence. The court reversed the partial final judgment.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	J. Logue; Chief Judge Scales; Judge Logue; Judge Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 29, 2025
DOCKET	3D23-1942
DISPOSITION	reversed
PROCEDURAL POSTURE	Arnold S. Wax appealed a partial final judgment dissolving his marriage, arguing that the judgment was void for lack of subject matter jurisdiction because the statutory residency requirement was not corroborated. The appellee moved to dismiss, arguing that the judgment was nonfinal and therefore nonappealable because the trial court had reserved jurisdiction over all other dissolution issues.
STANDARD OF REVIEW	De novo review of appellate jurisdiction and the trial court's subject matter jurisdiction to enter a dissolution judgment.
PRECEDENTIAL VALUE	published
PARTIES	Arnold S. Wax v. Kerrin Friedman, as Personal Representative of the Estate of Bonny L. Wax

TOPICS

dissolution of marriage

appellate jurisdiction

final judgment rule

subject matter jurisdiction

family law procedure

PRACTICE AREAS

family law

appellate procedure

civil procedure

probate

QUESTIONS PRESENTED

1. Whether a partial final judgment dissolving a marriage while reserving jurisdiction over all remaining dissolution issues is final and appealable.
2. Whether the trial court had subject matter jurisdiction to enter the dissolution judgment when neither party presented corroborating evidence of the statutory Florida residency requirement.

HOLDINGS

1. A partial judgment dissolving a marriage is final insofar as the marital status of the parties is concerned and is appealable even when the trial court reserves jurisdiction over alimony, support, equitable distribution, and other dissolution issues.
2. The statutory residency requirement for dissolution of marriage must be corroborated by evidence; pleadings, admissions, and the uncorroborated testimony of one party cannot satisfy that requirement. Because no corroborating evidence was presented, the trial court lacked subject matter jurisdiction to enter the partial final judgment.

KEY QUOTATIONS

“a “partial judgment of dissolution is final insofar as the marital status of the parties is concerned[.]”” (at 8)

“Florida’s residency requirement is jurisdictional and must be alleged and proved in every case.” (at 9)

“corroborating testimony cannot be waived by an admission that the residency requirement has been met.” (at 9)

FACTUAL BACKGROUND

The parties had been married for approximately fifty-five years and both alleged in their pleadings that they had been Florida residents for more than six months before the dissolution petition was filed. The wife, who had suffered three strokes in four months and was in a rehabilitation center, sought bifurcation and immediate dissolution of the marriage. At the hearing, the husband testified that he had lived in Florida for more than six months and that the marriage was over, but no corroborating residency evidence was introduced. The trial court entered a partial final judgment dissolving the marriage while reserving jurisdiction over all other issues.

PROCEDURAL HISTORY

The husband filed a verified petition for dissolution, and the wife filed an answer and counterpetition. Following an emergency motion by the wife, the circuit court conducted a brief hearing, took the husband's uncorroborated testimony concerning Florida residency, entered a partial final judgment dissolving the marriage, and reserved

jurisdiction over all remaining issues. The husband appealed, the wife died after entry of judgment, and her personal representative was substituted as appellee. The district court denied the jurisdictional challenge to the appeal but reversed the partial final judgment for lack of corroborating residency evidence.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The partial final judgment dissolving the marriage was reversed. The opinion does not state additional specific remand instructions.

CASES CITED

- Klein v. Klein, 551 So. 2d 1235 (Fla. 3d DCA 1989)
- Salzverg v. Salzverg, 696 So. 2d 1278 (Fla. 3d DCA 1997)
- Galbut v. Garfinkl, 340 So. 2d 470, 471-73 (Fla. 1976)
- Shepardson v. Shepardson, 820 So. 2d 360, 361-62 (Fla. 1st DCA 2002)
- Haritos v. Haritos, 193 So. 3d 1050, 1052 (Fla. 2d DCA 2016)
- Barnett v. Barnett, 743 So. 2d 105, 105 n.1 (Fla. 4th DCA 1999)
- Bland v. Bland, 971 So. 2d 210, 212 (Fla. 5th DCA 2007)
- Behar v. Se. Banks Tr. Co., N.A., 374 So. 2d 572, 575 (Fla. 3d DCA 1979)
- Solares v. City of Miami, 166 So. 3d 887, 888 (Fla. 3d DCA 2015)
- Carrithers v. Cornett's Spirit of Suwannee, Inc., 93 So. 3d 1240, 1242 (Fla. 1st DCA 2012)
- Fernandez v. Fernandez, 648 So. 2d 712, 713 (Fla. 1995)
- Wise v. Wise, 310 So. 2d 431, 432 (Fla. 1st DCA 1975)
- Grey v. Grey, 995 So. 2d 623, 624 (Fla. 2d DCA 2008)
- McNeil v. Jenkins-McNeil, 252 So. 3d 354, 356 (Fla. 5th DCA 2018)

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