

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Griem v. Becker

994 So. 2d 1125 (Fla. Dist. Ct. App. 2007) · No. No. 3D06-3142 · Decided December 26, 2007

SUMMARY

The Florida Third District Court of Appeal reviewed an order setting aside a prior determination that the decedent’s daughters were heirs and declaring the decedent’s marriage valid. The court affirmed the setting aside of the original heir-determination order but reversed the portions making a final determination regarding beneficiary status and marital validity without an indicated hearing, and remanded.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Cortiñas, J.; Gersten, C.J.; Cope, J.
JURISDICTION	Florida
DECIDED	December 26, 2007
DOCKET	No. 3D06-3142
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order setting aside a prior order determining the heirs of an estate and declaring the decedent's purported marriage void.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ingrid Diana Griem, as Personal Representative of the Estate of Ronald Griem v. Anita Becker

TOPICS

- probate procedure
- probate
- appellate procedure
- final judgment rule

PRACTICE AREAS

- probate
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly set aside the original order determining the heirs of the estate.

2. Whether the circuit court could make final determinations that the daughters were not estate beneficiaries and that the decedent's marriage to Becker was valid without a formal notice and hearing.

HOLDINGS

1. The appellate court affirmed the portion of the order setting aside the October 10, 2006 order determining heirs and providing that the prior order would have no legal effect.
2. The circuit court could not make final determinations that the daughters were not beneficiaries or that the decedent's marriage was valid without the formal notice and hearing required in a proceeding to determine heirs.

KEY QUOTATIONS

"After formal notice and hearing, the court shall enter an order determining the beneficiaries or the shares and amounts they are entitled to receive, or both." (1127)

"Accordingly, we affirm Paragraph 1 of the Order on Appeal and Paragraph 2, to the extent that it reads "[t]he Order Determining Heirs dated October 10, 2006, is hereby set aside and shall have no legal effect," and reverse as to all remaining portions." (1127)

FACTUAL BACKGROUND

Ronald Griem's estate was the subject of a petition to determine heirs filed by Ingrid Diana Griem. The circuit court initially determined that Ingrid Diana Griem and Deborah Griem Posada were the decedent's heirs and declared the decedent's purported marriage to Anita Becker null and void. After Becker failed to timely respond to the petition, the circuit court later set aside the original order and declared the marriage valid from its inception, despite the continuing contest over the marriage's validity.

PROCEDURAL HISTORY

The circuit court initially determined that Ingrid Diana Griem and Deborah Griem Posada were the heirs of Ronald Griem's estate and declared the decedent's purported marriage to Anita Becker null and void. After Becker moved to set aside that order, the circuit court granted the motion and entered an order stating that the daughters were not beneficiaries and that the marriage was valid from its inception. The District Court of Appeal affirmed the setting aside of the prior heirs determination but reversed the remaining portions of the later order because the record did not show that a hearing had occurred on the heirs determination or the marriage's validity.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The portions of the Order on Appeal other than Paragraph 1 and the language in Paragraph 2 setting aside the October 10, 2006 order must be reversed; the matter is remanded for further proceedings consistent with the requirement of a formal notice and hearing.

