

FLORIDA THIRD DISTRICT COURT OF APPEAL

Elizabeth Joy Dascal v. In Re: Charles Dascal, et al.

Dascal · No. 3D24-0733 · Decided January 14, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed an order in a probate-related appeal involving a trust accounting. The court cited Florida Statutes section 736.08135(2)(c) concerning the valuation of trust assets and Pounds v. Pounds concerning interpretation of a trust instrument according to the grantor’s intent.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Logue, J.; Lindsey, J.; Gooden, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	January 14, 2026
DOCKET	3D24-0733
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County in a probate proceeding.
PRECEDENTIAL VALUE	published
PARTIES	Elizabeth Joy Dascal v. In Re: Charles Dascal, et al., Jacqueline Dascal Chariff, Ana Maria Camacho

TOPICS

- trust administration
- trusts
- statutory interpretation
- appellate procedure
- probate

PRACTICE AREAS

- Trusts and estates
- Probate
- Appellate practice

QUESTIONS PRESENTED

- Whether the circuit court correctly resolved the trust-accounting issue under section 736.08135(2)(c), Florida Statutes.
- Whether the trust instrument should be construed as a whole to give effect to the grantor's intent.

HOLDINGS

1. The court affirmed the lower court's disposition concerning the trust accounting, applying section 736.08135(2)(c), Florida Statutes, which requires, to the extent feasible, identification and valuation of trust assets and requires acquisition or carrying value and estimated current value for assets reasonably capable of valuation.
2. The court applied the rule that trust provisions should be construed as a whole, rather than by relying on isolated words or phrases, in order to give effect to the grantor's intent when possible.

KEY QUOTATIONS

“To the extent feasible, the accounting must identify and value trust assets on hand at the close of the accounting period. For each asset or class of assets reasonably capable of valuation, the accounting shall contain two values, the asset acquisition value or carrying value and the estimated current value.” (2)

“In construing the provisions of a trust, the cardinal rule is to try to give effect to the grantor’s intent, if possible. The grantor’s intent should not be determined by resort to isolated words and phrases, but rather by a construction of the instrument as a whole, and the general plan interpreted.” (2)

FACTUAL BACKGROUND

The opinion concerns a trust accounting and the valuation of trust assets. The court cited Florida's trust-accounting statute, which requires the accounting, to the extent feasible, to identify and value trust assets and to provide acquisition or carrying value and estimated current value for assets reasonably capable of valuation. The opinion also referenced the principle that trust provisions should be construed as a whole to effectuate the grantor's intent.

PROCEDURAL HISTORY

Elizabeth Joy Dascal appealed a ruling of the Circuit Court for Miami-Dade County, Florida, in probate case number 22-1298-CP-02. The Third District Court of Appeal affirmed in a per curiam opinion.

DISPOSITION

affirmed

CASES CITED

- Pounds v. Pounds, 703 So. 2d 487, 488 (Fla. 5th DCA 1997)