

COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Estate of Margarette Price v. West Florida Hospital, Inc.

513 So. 2d 767 (Fla. Dist. Ct. App. 1987) · No. 87-135 · Decided October 7, 1987

SUMMARY

The Florida First District Court of Appeal held that proceeds from the sale of a decedent's homestead lost their homestead character when the decedent's will directed that the property be sold and the proceeds distributed to her adult children. Because there was no intent to reinvest the proceeds, they became an asset of the estate subject to the claims of creditors.

CASE DETAILS

COURT	Court of Appeal of Florida, First District
WRITING FOR THE COURT	BOOTH; SHIVERS; BOWER, N. RUSSELL, Associate Judge
JURISDICTION	Florida
DECIDED	October 7, 1987
DOCKET	87-135
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Escambia County, which held that proceeds from the sale of homestead property directed by the decedent's will were estate assets subject to creditors' claims.
PRECEDENTIAL VALUE	binding
PARTIES	Estate of Margarette Price, Deceased v. West Florida Hospital, Inc.

TOPICS

- homestead
- creditor claims
- probate
- estate administration

PRACTICE AREAS

- Probate
- Estate Administration
- Homestead Law
- Creditors' Rights

QUESTIONS PRESENTED

1. Whether proceeds from the post-death sale of homestead property lose their homestead character and become subject to creditors' claims when the decedent's will directs the sale and distribution of the proceeds without an intent to reinvest.

HOLDINGS

1. When a decedent's will directs the sale of homestead property and distribution of the proceeds without an intent to reinvest, the proceeds lose their homestead character and become assets of the estate subject to the claims of the decedent's creditors.

KEY QUOTATIONS

“Pursuant to Orange Brevard, if Mrs. Price had sold her house during her lifetime and distributed the proceeds to her two children, those proceeds would unquestionably lose their homestead character and would be subject to the claims of her creditors. This result is not altered because the sale, with no intent to reinvest the proceeds, took place following her death in accordance with the directions in her will.”

FACTUAL BACKGROUND

Margarette Price died testate on July 15, 1986. At the time of her death, she occupied a house that was her homestead. Her will directed that the house be sold and that the proceeds be divided equally between her adult son and daughter, without an intent to reinvest the proceeds. West Florida Hospital, a creditor of the decedent, sought to have the proceeds treated as available to satisfy creditor claims.

PROCEDURAL HISTORY

Margarette Price died testate, and her will directed that her homestead be sold and the proceeds divided equally between her adult children. West Florida Hospital, a creditor, petitioned for a determination that the proceeds had lost their homestead character and were available to satisfy creditor claims. The Circuit Court for Escambia County agreed, and the estate appealed.

DISPOSITION

affirmed

CASES CITED

- Orange Brevard Plumbing & Heating Co. v. La Croix, 137 So. 2d 201 (Fla. 1962)

OPINION

|| Caution As of: September 2, 2015 12:31 PM EDT Estate of Price v. West Florida Hospital, Inc. Court of Appeal of Florida, First District October 7, 1987, Filed No. 87-135 Reporter 1987 Fla. App. LEXIS 10522; 513 So. 2d 767; 12 Fla. L. Weekly 2374 In Re: Estate of Margarette Price, Deceased, Appellant, v. West Florida Hospital, Inc., Appellee Prior History: [*1] An Appeal from the Circuit Court for Escambia County.

M. C. Blanchard, Judge. Core Terms proceeds, decedent, homestead character, subject to claim, circuit court, the will Counsel: Edward P. Fleming and Jeffrey T. Sauer, of Smith, Sauer & Walker, P.A., Pensacola, for appellant. Terry B. Boutwell, of Hayt, Hayt & Landau, Pensacola, for

appellee. Judges: BOOTH and SHIVERS, JJ., and BOWER, N. RUSSELL, Associate Judge, CONCUR.

Opinion PER CURIAM. The decedent, Margarette Price, died testate on July 15, 1986. At the time of her death she occupied a house which was her homestead. Fla. Const. art. X, § 4. In her will she directed that the house be sold and that the proceeds from the sale be divided equally between her adult son and daughter. Appellee West Florida Hospital, a creditor of the decedent, filed a petition claiming that the proceeds of such a sale possessed no homestead character and that therefore they were available to satisfy the claims of the decedent's creditors.

Relying on *Orange Brevard Plumbing & Heating Co. v. La Croix*, 137 So.2d 201 (Fla. 1962) the circuit court concluded that upon the sale of the house the proceeds became an asset of the estate subject to the claims of decedent's creditors.

We agree. Pursuant to *Orange Brevard*, if Mrs. Price had sold [*2] her house during her lifetime and distributed the proceeds to her two children, those proceeds would unquestionably lose their homestead character and would be subject to the claims of her creditors. This result is not altered because the sale, with no intent to reinvest the proceeds, took place following her death in accordance with the directions in her will.

Accordingly, the decision of the circuit court is AFFIRMED. BOOTH and SHIVERS, JJ., and BOWER, N. RUSSELL, Associate Judge, CONCUR.