

FLORIDA FIRST DISTRICT COURT OF APPEAL

Weaver v. Hatfield

No. 1D2024-2423 (Fla. 1st DCA Nov. 19, 2025) · No. 1D2024-2423 · Decided November 19, 2025

SUMMARY

The Florida First District Court of Appeal affirmed the denial of Kip Anthony Weaver’s petition to determine the homestead status of real property. The court held that Weaver’s warranty deed expressly waived his marital and homestead interests under section 732.702(1), Florida Statutes, allowing his wife to convey the property during her lifetime to her brother. The court also concluded that section 732.7025, concerning devises of homestead property, did not apply to the lifetime conveyance.

CASE DETAILS

COURT	Florida First District Court of Appeal
WRITING FOR THE COURT	Osterhaus, C.J.; Rowe, J.; Long, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	November 19, 2025
DOCKET	1D2024-2423
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a petition to determine homestead status of real property.
STANDARD OF REVIEW	De novo review applies because the trial court's order involved interpretation of statutory language.
PRECEDENTIAL VALUE	published
PARTIES	Kip Anthony Weaver v. Rufus Eugene Hatfield

TOPICS

- homestead
- real estate
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

- real estate
- probate
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether Kip Weaver's 2019 warranty deed constituted a valid waiver of his marital and homestead rights under section 732.702(1), Florida Statutes.
2. Whether section 732.7025, Florida Statutes, restricted Carolyn Weaver's lifetime conveyance of the property to Rufus Hatfield.
3. Whether the circuit court properly denied Weaver's petition to determine homestead status.

HOLDINGS

1. A written warranty deed expressly releasing all marital and homestead interests in the property constitutes a sufficiently specific waiver of homestead rights under section 732.702(1), Florida Statutes.
2. Section 732.7025 does not apply to the lifetime conveyance at issue because it restricts devises of homestead, and the conveyance to Hatfield was not a devise.

KEY QUOTATIONS

“This language is sufficiently specific to waive homestead rights under § 732.702(1) and leaves Mr. Weaver in a position vis-a-vis the Property that equates to having pre-deceased his spouse.” (at 2)

“The deeds executed here, however, involved conveyances during Ms. Weaver’s life. The conveyance to Mr. Hatfield was not a “devise.”” (at 2-3)

FACTUAL BACKGROUND

Kip Anthony Weaver and Carolyn Sue Weaver entered into an agreement for deed concerning Okaloosa County property in 2013. In 2019, Kip executed a warranty deed assigning to Carolyn any marital and homestead interest and all rights, duties, and obligations in the property. In 2022, Carolyn conveyed the property to herself and her brother, Rufus Eugene Hatfield, as joint tenants with right of survivorship; after Carolyn's death in 2023, Kip sought to establish that the property vested in him as surviving spouse.

PROCEDURAL HISTORY

Kip Anthony Weaver petitioned the Okaloosa County Circuit Court to determine that certain real property was homestead property that vested in him as the surviving spouse of Carolyn Sue Weaver. The circuit court concluded that Weaver had waived his homestead rights by executing a 2019 warranty deed and denied the petition. Weaver timely appealed, and the First District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Fla. Dep’t of Revenue v. Verizon Commc’ns Inc., 380 So. 3d 541, 544 (Fla. 1st DCA 2024)
- Webb v. Blue, 243 So. 3d 1054, 1056 (Fla. 1st DCA 2018)
- Thayer v. Hawthorn, 363 So. 3d 170, 173 (Fla. 4th DCA 2023)

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