

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

In re Estate of Madelon C. Reid, Deceased

138 So. 2d 342 (Fla. Dist. Ct. App. 1962) · No. No. 61-441 · Decided March 8, 1962

SUMMARY

The Florida Third District Court of Appeal reviewed an order admitting Madelon C. Reid’s will to probate despite challenges based on lack of testamentary capacity and undue influence. The court upheld the finding that Reid had testamentary capacity but reversed the finding that the attorney-beneficiary had rebutted the presumption of undue influence arising from their confidential relationship.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Hendry, J.; Horton, J.; Carroll, J.
JURISDICTION	Florida
DECIDED	March 8, 1962
DOCKET	No. 61-441
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from an order of the County Judge's Court of Dade County admitting the decedent's will to probate over the surviving husband's contest based on lack of testamentary capacity and undue influence.
STANDARD OF REVIEW	A county judge's probate finding that a testatrix possessed testamentary capacity will not be disturbed when supported by substantial competent evidence unless the county judge misapprehended the evidence as a whole.
PRECEDENTIAL VALUE	Published Florida District Court of Appeal opinion
PARTIES	John B. Reid v. Richard C. Carter, Jr., as executor

TOPICS

- will contests
- undue influence
- testamentary capacity
- probate procedure
- estate litigation

PRACTICE AREAS

- Probate
- Wills and estates
- Evidence

QUESTIONS PRESENTED

1. Whether substantial competent evidence supported the county judge's finding that Madelon C. Reid possessed testamentary capacity when she executed the will.
2. Whether the presumption of undue influence arising from the confidential attorney-client relationship between the testatrix and the sole beneficiary was rebutted by the evidence.

HOLDINGS

1. The county judge's finding that the testatrix possessed testamentary capacity was supported by substantial competent evidence and was not shown to result from a misapprehension of the evidence as a whole.
2. When a beneficiary occupies a confidential relationship with the testator, actively participates in procuring the will, and is made a substantial beneficiary, a presumption of undue influence arises; here, the evidence did not rebut that presumption.

KEY QUOTATIONS

“it is a well-settled rule of judicial administration that an order of a county judge sitting in probate not be disturbed on appeal where there is substantial competent evidence to sustain the finding unless the county judge has misapprehended the evidence as a whole.” (at 345)

“if the beneficiary occupies a confidential relationship with the testator and is active in procuring the will and is made a substantial beneficiary therein, a presumption of undue influence arises.” (at 349)

“It is to be remembered that in cases such as ours, there is rarely any direct evidence establishing undue influence, and accordingly, direct evidence is not necessary to establish undue influence.” (at 350)

FACTUAL BACKGROUND

Madelon C. Reid executed a will on January 31, 1961, leaving her estate to Forney B. Stafford, an attorney who had represented her and who was the partner of the executor, Richard C. Carter, Jr. The evidence concerning Reid's mental and physical condition was sharply conflicting, including testimony that she used barbiturates, became disoriented, wandered naked, and was found crawling on the floor, as well as testimony that she was intelligent, socially active, and capable of understanding her property. Stafford had a confidential attorney-client relationship with Reid, was socially involved with her, and was the sole beneficiary under the will. The will was prepared by Stafford's law partner and executed in Reid's apartment in the presence of subscribing witnesses.

PROCEDURAL HISTORY

Madelon C. Reid's executor petitioned the County Judge's Court of Dade County to probate her January 31, 1961, will. John B. Reid contested the will, alleging lack of testamentary capacity and undue influence by Forney B. Stafford, the sole beneficiary and an attorney who had a confidential relationship with the testatrix. The county judge found testamentary capacity and concluded that any presumption of undue influence had been rebutted, then admitted the will to probate. The District Court of Appeal affirmed the capacity finding but reversed the undue-influence determination and the order admitting the will to probate.

DISPOSITION

reversed

CASES CITED

- Skelton v. Davis, 133 So. 2d 432 (Fla. Dist. Ct. App. 1961)
- In re Bailey's Estate, In re Bailey's Estate, 122 So. 2d 243 (Fla. Dist. Ct. App. 1960)
- In re Wilmott's Estate, In re Wilmott's Estate, 66 So. 2d 465, 40 A.L.R. 2d 1399 (Fla. 1953)
- Zinnser v. Gregory, 77 So. 2d 611 (Fla. 1955)
- In re Palmer's Estate, 48 So. 2d 732 (Fla. 1950)
- In re Knight's Estate, 108 So. 2d 629 (Fla. Dist. Ct. App. 1959)
- In re Krieger's Estate, 88 So. 2d 497 (Fla. 1956)
- In re Aldrich's Estate, 148 Fla. 121, 3 So. 2d 856 (1941)
- Lewis v. Martin, 210 Ala. 401, 98 So. 635
- Gardiner v. Goertner, 110 Fla. 377, 149 So. 186, 189
- Newman v. Smith, Newman v. Smith, 77 Fla. 633, 82 So. 2d 236, 251
- In re Burton's Estate, 45 So. 2d 873 (Fla. 1950)