

DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT

SUZANNE REVAH v. CECILE REVAH, individually and as
Successor Trustee of THE SALOMON REVAH REVOCABLE
TRUST DATED DECEMBER 9, 1999, and as Trustee of THE
SUZANNE REVAH REVOCABLE TRUST DATED DECEMBER 9,
1999

Revah v. Revah, 4D2024-1992 (Fla. App. Nov. 12, 2025) · No. 4D2024-1992

SUMMARY

The appellate court reversed summary judgment for the trustee on claims for trust accounting and constructive trust, holding that the trustee failed to provide statutorily compliant accountings under Fla. Stat. § 736.08135 and that genuine issues remained as to whether the limitations period was tolled by the trustee’s fraudulent concealment and the beneficiary’s lack of actual knowledge under § 736.1008. The court also reversed the final judgment on the trustee’s counterclaims for partition and unjust enrichment because they were tainted by the erroneous summary judgment, and remanded with instructions to allow the beneficiary leave to amend. Key topics include a trustee’s fiduciary duty to account, the requirements for a constructive trust remedy for self-dealing, and the application of statutory laches and fraudulent concealment in trust disputes.

CASE DETAILS

COURT	District Court of Appeal of Florida, Fourth District
WRITING FOR THE COURT	Gross, J.; Shepherd, J.; Shaw, J.
JURISDICTION	Florida
DOCKET	4D2024-1992
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County. Suzanne Revah filed a complaint against Cecile Revah for trust accounting, damages, removal of trustee, and constructive trust. The trial court granted summary judgment in favor of Cecile on the accounting, removal, and constructive trust claims; denied Suzanne leave to amend; and after a bench trial on Cecile's counterclaims for partition and unjust enrichment, entered final judgment in Cecile's favor. Suzanne appealed.

STANDARD OF REVIEW	Summary judgment orders are reviewed de novo; harmless error analysis applied to the impact on the bench trial.
PRECEDENTIAL VALUE	Binding on trial courts in Florida's Fourth District; potentially persuasive elsewhere.
PARTIES	Suzanne Revah v. Cecile Revah, individually and as Successor Trustee of the Salomon Revah Revocable Trust dated December 9, 1999, and as Trustee of the Suzanne Revah Revocable Trust dated December 9, 1999

TOPICS

trusts

fiduciary duty

summary judgment

statute of limitations

civil procedure

PRACTICE AREAS

Trusts and Estates

Civil Procedure

Equitable Remedies

QUESTIONS PRESENTED

1. Whether the trial court erred in granting summary judgment on the accounting claim.
2. Whether the trial court erred in granting summary judgment on the constructive trust claim based on statute of limitations.
3. Whether Suzanne preserved the argument that statutory laches does not apply to the accounting claim.
4. Whether the trial court erred in denying leave to amend and excluding evidence.
5. Whether the final judgment on appellee's counterclaims should be reversed due to the erroneous summary judgment.

HOLDINGS

1. The trial court erred because Cecile failed to meet her burden of proving she had served statutorily-compliant accountings; the documents produced were not 'reasonably understandable reports' as required by § 736.08135, and the court improperly shifted the burden to the elderly, illiterate beneficiary.
2. The trial court erred because Cecile's self-dealing transaction was voidable under Chapter 736; the limitations period did not begin to run until Suzanne had actual knowledge, and the evidence of fraudulent concealment precluded summary judgment; public recording of deeds is insufficient to establish actual knowledge in a fiduciary relationship.
3. The argument was not preserved, but on remand Suzanne shall be given leave to amend to raise whether Corya was abrogated by the 2018 amendment to § 736.1008.
4. The final judgment is reversed because the erroneous summary judgment on Suzanne's constructive trust claim and the exclusion of evidence impacted the trial; the error was not harmless.

KEY QUOTATIONS

“A trust accounting must be a reasonably understandable report from the date of the last accounting or, if none, from the date on which the trustee became accountable, that adequately discloses the information required in subsection (2).” (unpaginated)

“A fiduciary's deliberate withholding of material information the fiduciary has a duty to disclose constitutes fraudulent concealment.” (unpaginated)

“Where the trustee by fraud or deception, or even by keeping quiet when he should speak and account to his cestui, causes the cestui to be ignorant of the rights of the cestui and of the duties of the trustee, laches will not be imputed to the cestui until discovery of the true condition.” (unpaginated)

FACTUAL BACKGROUND

Suzanne Revah, an elderly, illiterate French speaker, is the beneficiary of two trusts. Her daughter Cecile served as trustee. Cecile used trust assets to purchase a house titled in joint tenancy with Suzanne in 2012, then had Suzanne quitclaim her interest to Cecile in 2014, leaving Cecile as sole owner. In 2021, Cecile transferred a 50% interest back to Suzanne's trust. Suzanne requested an accounting in 2022, which Cecile refused. Suzanne filed suit alleging breach of fiduciary duty and seeking an accounting and constructive trust. Cecile asserted counterclaims for unjust enrichment and partition, claiming she spent over \$900,000 on behalf of Suzanne.

PROCEDURAL HISTORY

Suzanne Revah filed a complaint in August 2022. Cecile moved for summary judgment, which the trial court granted in part. Suzanne moved for leave to amend, which was denied. The court also granted Cecile's motion in limine excluding evidence. A bench trial was held on Cecile's counterclaims, resulting in a final judgment awarding Cecile monetary damages and ordering partition. Suzanne appealed the summary judgment and the final judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

On remand, Suzanne shall be given leave to amend her pleadings to raise the issue of whether the legislature abrogated Corya by amending section 736.1008; Suzanne shall also be given leave to file an amended complaint. The trial court must reconsider the accounting claim, constructive trust claim, Cecile's counterclaims for partition and unjust enrichment, and the evidentiary rulings in light of the reversal of summary judgment.

CASES CITED

- Gromann v. Avatar Prop. & Cas. Ins. Co., 345 So.3d 298 (Fla. 4th DCA 2022)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- McCormick v. Cox, 118 So.3d 980 (Fla. 3d DCA 2013)

- Doris Rich Corya, as Trustee of the Sanders Trust, Doris Rich Corya and Paul J. Rich Sanders as Trustee of the Eleanor M. Rich Trust, Doris Rich Corya as Trustee of the John P. Corya Irrevocable Trust, and Doris Rich Corya as Trustee of the John P. Corya Revocable Trust v. Roy Sanders, Corya v. Sanders, 155 So.3d 1279 (Fla. 4th DCA 2015)
- Rasmussen v. Cent. Fla. Council Boy Scouts of Am., Inc., No. 6:07-CV-1091-ORL19GJK, 2009 WL 320855 (M.D. Fla. Feb. 9, 2009)
- George G. Bogert et al., Bogert's The Law of Trusts and Trustees § 961
- Williams v. Stanford, 977 So.2d 722 (Fla. 1st DCA 2008)
- Brown v. Regan, 368 So.3d 3 (Fla. 4th DCA 2023)
- Patten v. Winderman, 965 So.2d 1222 (Fla. 4th DCA 2007)
- Palmland Villas I Condo. Ass'n v. Taylor, 390 So.2d 123 (Fla. 4th DCA 1980)
- W. Brook Isles Partner's 1, LLC v. Commonwealth Land Title Ins. Co., 163 So.3d 635 (Fla. 2d DCA 2015)
- First Union Nat'l Bank v. Turney, 824 So.2d 172 (Fla. 1st DCA 2001)
- Sewell v. Sewell Props., 30 So.2d 361 (Fla. 1947)
- Woodward v. Woodward, 192 So.3d 528 (Fla. 4th DCA 2016)
- Dietrich v. Winters, 798 So.2d 864 (Fla. 4th DCA 2001)
- Special v. W. Boca Med. Ctr., 160 So.3d 1251 (Fla. 2014)
- Sunset Harbour Condo. Ass'n v. Robbins, 914 So.2d 925 (Fla. 2005)
- Tillman v. State, 471 So.2d 32 (Fla. 1985)
- Wong v. Crown Equip. Corp., 676 So.2d 981 (Fla. 3d DCA 1996)