

SUPREME COURT OF FLORIDA

Kelli Snyder, Petitioner, v. Kent W. Davis, etc., Respondent

Kelli Snyder, Petitioner, v. Kent W. Davis, etc., Respondent, 699 So. 2d 999 (Fla. 1997) (Fla. 1997) · No. No. 89410

SUMMARY

In Snyder v. Davis, the Florida Supreme Court held that under Article X, Section 4 of the Florida Constitution, a testator not survived by a spouse or minor child may devise homestead property to any family member within the class of intestate successors and still preserve the homestead exemption from forced sale by creditors. The Court adopted a “class definition” of “heirs,” meaning the exemption inures to any devisee who falls within the categories of potential heirs under the intestacy statute, not just the person who would actually inherit in intestacy.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Overton, Justice; Kogan, C.J.; Shaw, J.; Wells, J.; Anstead, J.; Grimes, J.; Harding, J.
JURISDICTION	Florida
DOCKET	No. 89410
DISPOSITION	quashed
PROCEDURAL POSTURE	Certified question from the Second District Court of Appeal; review of decision holding that a homestead could be devised to a granddaughter but that the exemption from creditors would not inure to her.
PRECEDENTIAL VALUE	Binding precedent from Florida Supreme Court
PARTIES	Kelli Snyder v. Kent W. Davis

TOPICS

- homestead
- probate
- constitutional law
- real estate
- intestacy

PRACTICE AREAS

- Probate & Trust
- Wills & Estates
- Real Property
- Homestead Law
- Constitutional Law

QUESTIONS PRESENTED

1. Whether article X, section 4 of the Florida Constitution exempts from forced sale a devise of a homestead by a decedent not survived by a spouse or minor child to a lineal descendant who is not an heir under the statutory definition.
2. Whether the term 'heirs' in the homestead provision is limited to those who would actually inherit under intestacy or extends to the broader class of potential intestate successors.
3. Whether the protections against creditors found in the homestead provision can be devised by will.

HOLDINGS

1. When there is no surviving spouse or minor child, the homestead exemption from forced sale may inure to the benefit of a devisee under the decedent's will.
2. A testator with no surviving spouse or minor children may devise the homestead, with its protection from creditors, to any family member within the class of persons categorized in the intestacy statute (section 732.103, Fla. Stat.), even if that devisee would not actually inherit under intestacy because a closer consanguine heir survived.

KEY QUOTATIONS

“We find that in these circumstances the word 'heirs,' when determining entitlement to the homestead protections against creditors, is not limited to only the person or persons who would actually take the homestead by law in intestacy on the death of the decedent. Instead, we hold that the constitution must be construed to mean that a testator, when drafting a will prior to death, may devise the homestead (if there is no surviving spouse or minor children) to any of that class of persons categorized in section 732.103 (the intestacy statute).” (at 1000)

“As a matter of public policy, the purpose of the homestead exemption is to promote the stability and welfare of the state by securing to the householder a home, so that the homeowner and his or her heirs may live beyond the reach of financial misfortune and the demands of creditors who have given credit under such law.” (at 1002)

FACTUAL BACKGROUND

Betty Snyder died testate in 1995, survived by her adult son Milo Snyder and adult granddaughter Kelli Snyder (Milo's daughter). Her will gave \$3,000 to Milo, \$2,000 to friends, and the residuary estate, including her homestead property, to Kelli. The personal representative sought to sell the homestead to pay creditors. Kelli claimed the property was exempt from forced sale under article X, section 4 of the Florida Constitution.

PROCEDURAL HISTORY

The personal representative sought to sell homestead property to satisfy creditors. The trial court found the homestead protection applied. The Second District Court of Appeal reversed, holding that the granddaughter was not an 'heir' under the intestacy statute and the exemption could not inure to her. The district court certified a question of great public importance. The Supreme Court also noted express and direct conflict with *Walker v. Mickler*, 687 So. 2d 1328 (Fla. 1st DCA 1997).

DISPOSITION

quashed

CASES CITED

- Davis v. Snyder, 681 So. 2d 1191 (Fla. 2d DCA 1996)
- Walker v. Mickler, 687 So. 2d 1328 (Fla. 1st DCA 1997)
- Arnold v. Wells, 100 Fla. 1470, 131 So. 400 (1930)
- Public Health Trust of Dade County v. Lopez, Public Health Trust v. Lopez, 531 So. 2d 946 (Fla. 1988)
- Butterworth v. Caggiano, 605 So. 2d 56 (Fla. 1992)
- Hubert v. Hubert, 622 So. 2d 1049 (Fla. 4th DCA 1993)
- Moore v. Rote, 552 So. 2d 1150 (Fla. 3d DCA 1989)
- In re Estate of Skuro, 467 So. 2d 1098 (Fla. 4th DCA 1985)
- Bartelt v. Bartelt, 579 So. 2d 282 (Fla. 3d DCA 1991)
- State Dep't of Health & Rehab. Servs. v. Trammell, 508 So. 2d 422 (Fla. 1st DCA 1987)
- Shone v. Bellmore, 75 Fla. 515, 78 So. 605 (1918)
- Scull v. Beatty, 27 Fla. 426, 9 So. 4 (1891)
- Tramel v. Stewart, 697 So. 2d 821 (Fla. 1997)
- State v. Schopp, 653 So. 2d 1016 (Fla. 1995)
- Perez v. State, 620 So. 2d 1256 (Fla. 1993)
- Jetton Lumber Co. v. Hall, 67 Fla. 61, 64 So. 440 (1914)
- Estate of Murphy, 340 So. 2d 107 (Fla. 1976)
- Bigelow v. Dunphe, 143 Fla. 603, 197 So. 328 (1940)
- Pitts v. Pitts, 120 Fla. 363, 162 So. 708 (1935)
- Stone v. Citizens' State Bank, 64 Fla. 456, 59 So. 945 (1912)
- Williams v. Williams, 149 Fla. 454, 6 So. 2d 275 (1942)

CITED IN

- Kelli Snyder, Petitioner, v. Kent W. Davis, etc., Respondent, Snyder v. Davis, 699 So. 2d 999 (Fla. 1997)
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- Kelli Snyder, Petitioner, v. Kent W. Davis, etc., Respondent, Snyder v. Davis, 699 So. 2d 999, 1001-05 (Fla. 1997)

- Kelli Snyder, Petitioner, v. Kent W. Davis, etc., Respondent, Snyder v. Davis, 699 So. 2d 999, 1003 (Fla. 1997)
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