

FLORIDA THIRD DISTRICT COURT OF APPEAL

Hardy Wallace, etc. v. Mark Wallace, etc., et al.

Hardy Wallace · No. Nos. 3D25-0545 & 25-0546 · Decided May 6, 2026

SUMMARY

The Florida Third District Court of Appeal affirmed an order terminating the guardianship of the property of Milton Wallace and discharging the guardians. The court held that, because the appellant provided no transcript of the hearing, it had to presume the trial court’s findings and ruling were correct under the deferential standard applicable to guardianship decisions.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Gordo, J.; Miller, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 6, 2026
DOCKET	Nos. 3D25-0545 & 25-0546
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order terminating the guardianship of the property of Milton Wallace and discharging the guardians.
STANDARD OF REVIEW	Guardianship decisions are reviewed deferentially, and a trial court's decision whether to terminate a guardianship is reviewed for abuse of discretion. Issues of law are reviewed de novo. In the absence of a transcript of the relevant hearing, the appellate court presumes the trial court's ruling is correct and will not disturb its factual findings.
PRECEDENTIAL VALUE	Published
PARTIES	Hardy Wallace, etc. v. Mark Wallace, etc., Angel Insua

TOPICS

- guardianship procedure
- guardianships
- appellate procedure
- standard of review
- preservation of error

PRACTICE AREAS

- guardianships
- probate
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly terminated the guardianship of Milton Wallace's property and discharged the guardians.
2. Whether the appellate court could determine reversible error from Hardy Wallace's challenges without a transcript of the hearing.

HOLDINGS

1. The trial court's order must be affirmed because, without the hearing transcript, Hardy failed to overcome the presumption that the trial court's guardianship ruling was correct or demonstrate reversible error.

KEY QUOTATIONS

“Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal. The trial court should have been affirmed because the record brought forward by the appellant is inadequate to demonstrate reversible error.” (1152)

“[Where] [t]here is no transcript of the hearing in the record before us . . . we will not disturb the trial court's finding.” (90)

FACTUAL BACKGROUND

Milton Wallace was the ward in a guardianship of his property, with Hardy Wallace, Mark Wallace, and Angel Insua serving as co-guardians. The trial court held a full hearing, made findings, discharged the guardians, and terminated the guardianship. Hardy alleged that Mark Wallace and Angel Insua misrepresented that the guardianship had no assets, but he did not provide the appellate court with a transcript of the hearing.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County held a full hearing concerning termination of the guardianship, made findings, and terminated the guardianship of the property. Hardy Wallace appealed, arguing that the appellees misrepresented that the guardianship had no assets and that the trial court prematurely and improperly discharged the guardians. The Third District Court of Appeal affirmed because the appellant failed to provide a transcript of the hearing.

DISPOSITION

affirmed

CASES CITED

- Waldon v. Waldon, 305 So. 3d 634, 637 (Fla. 3d DCA 2020)
- Patricia Ash v. In re: Guardianship of Aaron Ash, Ash v. Ash, 332 So. 3d 563, 567 (Fla. 3d DCA 2021)

- In re Guardianship of Walpole, 639 So. 2d 60, 61 (Fla. 4th DCA 1994)
- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)
- White v. White, 717 So. 2d 89, 90 (Fla. 3d DCA 1998)

OPINION

Hardy Wallace, Etc. v. Mark Wallace, Etc.

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 6, 2026. Not final until disposition of timely filed motion for rehearing. _____ Nos. 3D25-0545 & 25-0546 Lower Tribunal Nos. 24-3357-GD-02 & 20-1603-GD-02 _____ Hardy Wallace, etc., Appellant, vs. Mark Wallace, etc., et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Jose L. Fernandez, Judge. Schlesinger Law Group, and Michael J. Schlesinger, for appellant. Armstrong Teasdale LLP, and Glen H. Waldman, for appellees. Before MILLER, GORDO and BOKOR JJ. GORDO, J. Hardy Wallace (“Hardy”) appeals the termination of the guardianship of the property of Milton Wallace—the ward—pursuant to Rule 5.680, Florida Probate Rules. We have jurisdiction. Fla. R. App. P. 9.170. Hardy argues Mark Wallace and Angel Insua 1 misrepresented that the guardianship had no assets and the trial court prematurely and improperly discharged the guardians and terminated the guardianship of the property. The trial court held a full hearing on this matter and made findings. But Hardy provides no transcript of the hearing. This Court has consistently applied a deferential standard to guardianship decisions and the substantial burden placed on parties challenging such orders, while applying a de novo standard to issues of law. *Waldon v. Waldon*, 305 So. 3d 634, 637 (Fla. 3d DCA 2020); *Ash v. Ash*, 332 So. 3d 563, 567 (Fla. 3d DCA 2021). A trial court’s order determining whether to terminate a guardianship is reviewed for an abuse of discretion. *In re Guardianship of Walpole*, 639 So. 2d 60, 61 (Fla. 4th DCA 1994). Applying the deferential standard to guardianship decisions and the substantial burden placed on parties challenging such, we must presume the trial court’s ruling is correct in the absence of the hearing transcript. See 1 Mark Wallace is Hardy’s brother. Angel Insua is Milton Wallace’s estate manager, a position he has held for approximately thirty-two years. Both are co-guardians with Hardy. 2 *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979) (“Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal. The trial court should have been affirmed because the record brought forward by the appellant is inadequate to demonstrate reversible error.”); *White v. White*, 717 So. 2d 89, 90 (Fla. 3d DCA 1998) (“[Where] [t]here is no transcript of the hearing in the record before us . . . we will not disturb the trial court’s finding.”). Affirmed. 3

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