

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Ella III, LLC v. Ethan Madden, Ciara J. Hare, and United Southern Bank

No. 5D2024-1198, Fifth District Court of Appeal of Florida (April 2, 2026)

SUMMARY

The Fifth District Court of Appeal of Florida reversed a summary judgment holding that Ella III, LLC's ejectment and quiet title action was barred by the four-year limitation in section 95.191, Florida Statutes. The court held that the limitation applies only when the property was adversely possessed when the tax deed was issued, and it found conflicting evidence concerning when adverse possession began. The case was remanded for further proceedings.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Harris, J.; Jay, C.J.; Soud, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	April 2, 2026
DOCKET	5D2024-1198
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant appealed a summary judgment entered in favor of appellees in an action for ejectment and quiet title.
STANDARD OF REVIEW	De novo review of summary judgment.
PRECEDENTIAL VALUE	Published Florida district court of appeal opinion; precedential unless otherwise limited by subsequent authority.
PARTIES	Ella III, LLC v. Ethan Madden, Ciara J. Hare, United Southern Bank

TOPICS

- [ejectment](#) [quiet title](#) [adverse possession](#) [summary judgment](#) [statutory interpretation](#)

PRACTICE AREAS

- [real estate law](#) [civil procedure](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether Florida Statutes section 95.191 bars a tax-deed holder's ejectment and quiet-title action only when the property was adversely possessed when the tax deed was issued.
2. Whether summary judgment was proper when the evidence conflicted regarding when adverse possession began.

HOLDINGS

1. The four-year limitation in section 95.191 applies only when the property is adversely possessed at the time the tax deed is issued.
2. Summary judgment was improper because significant conflicting evidence existed regarding whether and when the property was adversely possessed.
3. The appellant's argument that interests conveyed after issuance of the tax deed did not survive was waived because it was not raised in the appeal.

KEY QUOTATIONS

““When the real property is adversely possessed by any person, no action shall be brought by the tax deed holder unless the action is begun within 4 years from the date of the deed.”” (at 3)

“Thus, we conclude that the four-year limitation applies only where there is adverse possession at the time the tax deed is issued.” (at 3)

FACTUAL BACKGROUND

Ella III, LLC alleged that it acquired the Lake County property through a tax deed recorded on October 20, 2009. A warranty deed conveying the property to Ethan Madden and Ciara J. Hare was recorded on January 20, 2023. The appellees claimed that the property had been adversely possessed and that the appellant had failed to assert its claim, take possession, or pay taxes within four years, while the appellant submitted affidavits and tax receipts indicating that its servicer paid property taxes from 2009 through 2012.

PROCEDURAL HISTORY

Ella III, LLC filed an ejectment and quiet-title action after acquiring the property through a tax deed. The appellees moved for summary judgment, arguing that Florida Statutes section 95.191 barred the action because the appellant waited more than four years and the appellees had adversely possessed the property. The circuit court granted summary judgment, and the Fifth District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- Rosier v. State, 276 So. 3d 403, 406 (Fla. 1st DCA 2019)
- Salls v. Martin, 24 So. 2d 41 (Fla. 1945)

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