

FLORIDA COURT OF APPEALS, FOURTH DISTRICT

Dunham Trust Company v. Ruth Surrey

Dunham Tr. Co. v. Surrey, No. 4D2025-1889 (Fla. Dist. Ct. App. Apr. 29, 2026) · No. 4D2025-1889

SUMMARY

In Dunham Trust Co. v. Surrey, the Florida Fourth District Court of Appeal held that a Nevada trust company lacked sufficient minimum contacts with Florida to support personal jurisdiction, despite serving as co-trustee of a trust created by a Florida resident and containing a Florida choice-of-law provision. The court ruled that accepting appointment as successor trustee and sending routine trust communications to a Florida beneficiary did not constitute purposeful availment, and that a choice-of-law clause alone cannot confer jurisdiction. Applying Hanson v. Denckla, the court emphasized that the defendant’s suit-related conduct must create a substantial connection with the forum state, and that the trustee’s administration of the trust occurred entirely in Nevada.

CASE DETAILS

COURT	Florida Court of Appeals, Fourth District
WRITING FOR THE COURT	Ciklin; Gerber; Klingensmith
JURISDICTION	Florida
DOCKET	4D2025-1889
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal of a nonfinal order from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michele Towbin Singer, Judge; L.T. Case No. 062025CA002470AXXXCE.
STANDARD OF REVIEW	de novo
PRECEDENTIAL VALUE	published
PARTIES	Dunham Trust Company v. Ruth Surrey

TOPICS

- civil procedure
- trusts
- appellate procedure

PRACTICE AREAS

- Civil Procedure
- Trusts and Estates

QUESTIONS PRESENTED

1. Whether Dunham Trust Company had sufficient minimum contacts with Florida to allow Florida courts to exercise personal jurisdiction over it consistent with due process requirements.

HOLDINGS

1. Dunham Trust Company did not have sufficient minimum contacts with Florida to support the exercise of personal jurisdiction. Accepting the appointment as successor co-trustee of a trust created by a Florida resident and containing a Florida choice-of-law provision, without soliciting the appointment or otherwise reaching out to Florida, does not constitute purposeful availment. Sending routine trust-related communications to a beneficiary who relocated to Florida is similarly insufficient to create a substantial connection with the state.

KEY QUOTATIONS

“The minimum contacts test asks whether the defendant's 'suit-related conduct' created a 'substantial connection' with the forum state.”

“The defendant, by his own conduct, must have 'purposefully avail[ed]' himself of the privilege of conducting activities in the forum state, thereby invoking the benefits and protections of its laws.”

“Like the nonresident trustee in Hanson, DTC is not subject to personal jurisdiction in Florida because it did not purposefully avail itself of the privilege of conducting business in Florida.”

FACTUAL BACKGROUND

Mildred Surrey created a trust in 2001 for the benefit of her children Lewis and Ruth. She was a Florida resident, and the trust instrument states that its 'validity and interpretation' shall be governed by Florida law. In 2014, Dunham Trust Company (DTC), a Nevada corporation, was appointed as a successor co-trustee alongside Lewis. Lewis later moved to Florida. Ruth alleged that Lewis misappropriated millions in trust assets and that DTC breached its fiduciary duties by facilitating or failing to prevent the misconduct. DTC's operations were in Nevada; it had no offices, business, or trust administration in Florida. Ruth contended DTC purposely availed itself of Florida jurisdiction by accepting the trusteeship of a Florida-created trust with a Florida choice-of-law provision and by sending routine communications to Lewis in Florida.

PROCEDURAL HISTORY

Ruth Surrey filed a complaint against Dunham Trust Company in Broward County circuit court, alleging breach of fiduciary duty, unjust enrichment, and accounting related to the administration of a trust. DTC moved to dismiss for lack of personal jurisdiction, arguing insufficient minimum contacts with Florida. The trial court denied the motion, and DTC timely appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Dismiss the complaint.

CASES CITED

- Karisma Hotels & Resorts Corp. Ltd. v. Hoffman, 400 So.3d 10 (Fla. 4th DCA 2025)
- Venetian Salami Company v. Parthenais, Venetian Salami Co. v. Parthenais, 554 So.2d 499 (Fla. 1989)
- Walden v. Fiore, Walden v. Fiore, 571 U.S. 277 (2014)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985)
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980)
- Hanson, Executrix, et al. v. Denckla et al., Hanson v. Denckla, 357 U.S. 235 (1958)
- Hoag v. French, 357 P.3d 153 (Ariz. Ct. App. 2015)
- Phillips Exeter Academy v. Howard Phillips Fund, Inc., Phillips Exeter Acad. v. Howard Phillips Fund, Inc., 196 F.3d 284 (1st Cir. 1999)
- Burke Prods., Inc. v. Access Elecs., LLC, 311 So.3d 145 (Fla. 2d DCA 2020)
- Rose v. Firststar Bank, 819 A.2d 1247 (R.I. 2003)
- Corporacion Aero Angeles, S.A. v. Fernandez, 69 So.3d 295 (Fla. 4th DCA 2011)
- Silver v. Horneck, 216 N.E.3d 970 (Ill. App. Ct. 2021)

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