

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

William Graydus v. Sandra Graydus

Graydus · No. Nos. 4D2023-1213 and 4D2024-0415 · Decided June 11, 2025

SUMMARY

The Florida Fourth District Court of Appeal reviewed a consolidated appeal from an amended final judgment dissolving the parties’ marriage. The court reversed the award of attorney’s fees because the record lacked competent, substantial evidence and required factual findings regarding the wife’s need. It also reversed a deadline imposed for submitting a utility-bill receipt because the written judgment conflicted with the trial court’s oral pronouncement, and remanded for an amended judgment.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Conner, J.; Gross, J.; May, J.
JURISDICTION	District Court of Appeal of the State of Florida, Fourth District
DECIDED	June 11, 2025
DOCKET	Nos. 4D2023-1213 and 4D2024-0415
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeal from an amended final judgment dissolving the parties' marriage. The appellant challenged nine rulings, including an attorney's fees award to the appellee and a condition on reimbursement for a marital utility liability.
STANDARD OF REVIEW	Attorney's fees awards in dissolution proceedings are reviewed for abuse of discretion. Whether the written judgment conforms to the trial court's oral pronouncement is reviewed for error, with the oral pronouncement controlling in the event of a conflict.
PRECEDENTIAL VALUE	published
PARTIES	William Graydus v. Sandra Graydus

TOPICS

- dissolution of marriage
- family law procedure
- equitable distribution
- appellate procedure
- standard of review

PRACTICE AREAS

family law

dissolution of marriage

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by awarding the wife attorney's fees without competent, substantial evidence or factual findings establishing her financial need.
2. Whether the amended final judgment improperly added a deadline for the husband to submit a utility-bill receipt as a condition of reimbursement when the deadline was not included in the trial court's oral pronouncement.
3. Whether the trial court's remaining seven challenged rulings should be affirmed.

HOLDINGS

1. A dissolution-related attorney's fees award must be supported by evidence and findings concerning the requesting spouse's need and the other spouse's ability to pay. Because the record contained no evidence or factual findings establishing the wife's need, the trial court abused its discretion in awarding her attorney's fees.
2. When a written judgment conflicts with the trial court's oral pronouncement, the oral pronouncement controls. The trial court therefore erred by adding a specific deadline for the husband to provide the utility-bill receipt as a condition of reimbursement when no deadline was orally announced.
3. The trial court's rulings on the remaining seven issues were affirmed without discussion.

KEY QUOTATIONS

"Absent any factual findings supporting former wife's need for attorney's fees, we can only conclude that the trial court committed error." (at 2)

"When there is conflict between the oral pronouncement and the written judgment, the oral pronouncement must control." (at 3)

FACTUAL BACKGROUND

The parties were involved in a dissolution of marriage proceeding and had entered into a premarital agreement and a mediated partial settlement agreement. At the final hearing, the trial court determined that the wife was entitled to attorney's fees and orally ordered the wife to reimburse the husband for a utility bill he had paid upon his providing proof of payment. The wife's financial affidavit showed substantially greater monthly income and assets than the husband's, but she presented no evidence specifically establishing a financial need for attorney's fees. The amended final judgment awarded the wife attorney's fees and added a deadline for the husband to provide the utility-bill receipt, although no such deadline had been orally announced.

PROCEDURAL HISTORY

The parties entered into a premarital agreement and later reached a mediated partial settlement agreement during the dissolution proceeding. After a final hearing, the circuit court orally ruled on equitable distribution and

determined that the wife was entitled to attorney's fees. The court then entered an amended final judgment awarding fees and conditioning the husband's reimbursement for a paid utility bill on submission of a receipt by a specified deadline. The Fourth District affirmed seven challenged rulings, reversed the attorney's fees award and the deadline condition, and remanded for entry of an amended final judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter an amended final judgment striking the attorney's fees award and striking the deadline for the husband to submit the receipt showing payment of the utility bill.

CASES CITED

- Campbell v. Campbell, 46 So. 3d 1221, 1222 (Fla. 4th DCA 2010)
- Diwakar v. Montecito Palm Beach Condo. Ass'n, 143 So. 3d 958, 960 (Fla. 4th DCA 2014)
- Rorrer v. Orban, 215 So. 3d 148, 149 (Fla. 3d DCA 2017)
- Rosen v. Rosen, 696 So. 2d 697, 699 (Fla. 1997)
- Bauchman v. Bauchman, 253 So. 3d 1143, 1148-49 (Fla. 4th DCA 2018)
- Carlson v. Carlson, 719 So. 2d 936, 936 (Fla. 4th DCA 1998)
- Von Baillou v. Von Baillou, 959 So. 2d 821, 823 (Fla. 4th DCA 2007)
- Office v. Office, 287 So. 3d 630 (Fla. 4th DCA 2020)
- Bohner v. Bohner, 997 So. 2d 454, 457 (Fla. 4th DCA 2008)
- Karkhoff v. Robilotta, 309 So. 3d 229, 234 (Fla. 4th DCA 2020)

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