

FLORIDA DISTRICT COURT OF APPEAL, THIRD DISTRICT

Susan Braun v. Tracey Sager, et al.

No. 3D24-1192; Lower Tribunal No. 19-5346-CP-02 · No. No. 3D24-1192; Lower Tribunal No. 19-5346-CP-02
· Decided December 3, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a probate court order in a will-related appeal. The court relied on authorities emphasizing the validity of properly executed wills and the deference afforded to probate-court findings supported by substantial competent evidence.

CASE DETAILS

COURT	Florida District Court of Appeal, Third District
WRITING FOR THE COURT	Chief Judge SCALES; Judge LINDSEY; Judge GORDO
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 3, 2025
DOCKET	No. 3D24-1192; Lower Tribunal No. 19-5346-CP-02
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Miami-Dade County in a probate proceeding involving a will contest and the admission of a will to probate.
STANDARD OF REVIEW	An appellate court will not disturb the findings of fact and conclusions of law of a probate court in a will contest unless substantial competent evidence is lacking or the trial judge clearly misapprehended the legal effect of the evidence in its entirety.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Susan Braun v. Tracey Sager, Jeff Braun

TOPICS

- will contests
- probate
- appellate procedure
- standard of review

PRACTICE AREAS

- Probate
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court's ruling concerning the validity and admission of the will to probate should be disturbed on appeal.

HOLDINGS

1. The circuit court's ruling was affirmed.

KEY QUOTATIONS

“It has long been emphasized that the right to dispose of one’s property by will is highly valuable and it is the policy of the law to hold a last will and testament good wherever possible.” (2)

“An appellate court will not disturb the findings of fact and conclusions of law of a probate court in a will contest unless there is a lack of substantial competent evidence to support the findings or unless it is clearly manifested that the trial judge misapprehended the legal effect of the evidence in its entirety.” (2)

FACTUAL BACKGROUND

The opinion contains no detailed factual findings. It reflects that the appeal arose from a probate proceeding and that the lower court's ruling concerned the validity and admission of a will to probate.

PROCEDURAL HISTORY

Susan Braun appealed the circuit court's probate ruling. The Third District Court of Appeal affirmed without further explanation, citing Florida decisions concerning the validity and probate of wills and the appellate standard for reviewing findings in a will contest.

DISPOSITION

affirmed

CASES CITED

- Raimi v. Furlong, 702 So. 2d 1273, 1286 (Fla. 3d DCA 1997)
- In re Shifflet's Estate, 170 So. 2d 96, 98 (Fla. 3d DCA 1964)
- Taft v. Zack, 830 So. 2d 881, 883 (Fla. 2d DCA 2002)
- Heasley v. Evans, Heasley v. Evans, 104 So. 2d 854, 857 (Fla. 2d DCA 1958)

OPINION

Susan Braun v. Tracey Sager

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed December 3, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1192 Lower Tribunal No. 19-5346-CP-02 _____ Susan Braun, Appellant, vs. Tracey Sager, et al.,

Appellees. An Appeal from the Circuit Court for Miami-Dade County, Maria de Jesus Santovenia, Judge. Susan Braun, in proper person. Law Offices of Robert P. Frankel, P.A., and Robert P. Frankel (Plantation), for appellee Jeff Braun; Gutter, Chaves and Sean M. Lebowitz (Boca Raton), for appellee Tracey Sager. Before SCALES, C.J., and LINDSEY and GORDO, JJ. PER CURIAM. Affirmed. See *Raimi v. Furlong*, 702 So. 2d 1273, 1286 (Fla. 3d DCA 1997) (“It has long been emphasized that the right to dispose of one’s property by will is highly valuable and it is the policy of the law to hold a last will and testament good wherever possible.”); *In re Shifflet’s Estate*, 170 So. 2d 96, 98 (Fla. 3d DCA 1964) (“[T]he will in its original form was validly executed and [was] entitled to probate[.]”); *Taft v. Zack*, 830 So. 2d 881, 883 (Fla. 2d DCA 2002) (“The will, as originally written, was [valid and] entitled to be admitted to probate.”); *Heasley v. Evans*, 104 So. 2d 854, 857 (Fla. 2d DCA 1958) (“An appellate court will not disturb the findings of fact and conclusions of law of a probate court in a will contest unless there is a lack of substantial competent evidence to support the findings or unless it is clearly manifested that the trial judge misapprehended the legal effect of the evidence in its entirety. . . . Accordingly, the order admitting the will to probate is hereby affirmed.”). 2