

FLORIDA COURT OF APPEALS, THIRD DISTRICT

Leila Williams, etc. v. Barbara Williams, et al.

No. 3D21-2013, 2023 WL 249862 (Fla. 3d DCA Jan. 18, 2023) · No. 3D21-2013

SUMMARY

Under Florida law, an estate that was fully administered and discharged over 60 years ago cannot be reopened absent allegations of procedural irregularities, fraud, or bad faith. The probate court properly dismissed the petition to reopen, but it lacked jurisdiction to make findings as to the lawful owner of the subject property once it determined the estate was not properly before it.

CASE DETAILS

COURT	Florida Court of Appeals, Third District
WRITING FOR THE COURT	Bokor, J.; Logue; Miller; Bokor
JURISDICTION	Florida
DOCKET	3D21-2013
DISPOSITION	affirmed_in_part_and_reversed_in_part
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County, Lower Tribunal No. 16-4224
STANDARD OF REVIEW	de novo (legal determination regarding jurisdiction)
PRECEDENTIAL VALUE	published
PARTIES	Leila Williams, etc. v. Barbara Williams, et al.

TOPICS

- probate procedure
- probate
- civil procedure
- appellate procedure

PRACTICE AREAS

- Probate
- Estates & Trusts

QUESTIONS PRESENTED

- Whether the probate court erred in dismissing the petition to reopen an estate that was fully administered and discharged over 60 years ago.
- Whether the probate court had jurisdiction to make a finding as to the lawful owner of the subject property when no basis existed for assuming jurisdiction over the estate.

HOLDINGS

1. Under Florida law, an estate that was fully administered and discharged over 60 years ago cannot be reopened absent procedural irregularities or facts constituting fraud or bad faith.
2. When no basis exists for a probate court to assume jurisdiction to reopen an estate, the court also lacks jurisdiction to make findings as to the lawful owner of the subject property.

KEY QUOTATIONS

“We agree with the trial court that, under the circumstances present here, no precedent exists to reopen an estate that was fully administered and discharged over 60 years ago.” (at 2)

“As the matter was not properly before the probate court, the court possessed no jurisdiction to make such findings.” (at 2-3)

FACTUAL BACKGROUND

The estate of a decedent was fully administered and discharged in 1960. Over 60 years later, Leila Williams petitioned to reopen the estate. The record contained no allegation of procedural irregularities, fraud, or bad faith in the original probate proceedings. The probate court dismissed the petition and also made a finding as to the lawful owner of the subject property.

PROCEDURAL HISTORY

Appellant petitioned to reopen an estate that was fully administered and discharged in 1960. The probate court dismissed the petition and also made a finding as to the lawful owner of the subject property. Appellant appealed.

DISPOSITION

affirmed_in_part_and_reversed_in_part

CASES CITED

- Hannan v. Doyle, 337 So.3d 1258 (Fla. 3d DCA 2022)
- Carraway v. Carraway, 883 So.2d 834 (Fla. 1st DCA 2004)
- Egger v. Egger, 506 So.2d 1168 (Fla. 3d DCA 1987)

OPINION

Williams v. Williams (Fla. App. 2023) 1 Leila Williams, etc., Appellant, v. Barbara Williams, et al., Appellees. No. 3D21-2013 Florida Court of Appeals, Third District January 18, 2023 Not final until disposition of timely filed motion for rehearing. An Appeal from the Circuit Court for Miami-Dade County, Lower Tribunal No. 16-4224 Spencer Eig, Judge. Leila Williams, in proper person.

Glenn Ricardo Miller, LLC, and Glenn R. Miller; Arnaldo Vélez, P.A., and Arnaldo Vélez, for appellees. Before LOGUE, MILLER and BOKOR, JJ. BOKOR, J. 2 We agree with the trial court

that, under the circumstances present here, no precedent exists to reopen an estate that was fully administered and discharged over 60 years ago. See *Hannan v. Doyle*, 337 So.3d 1258, 1258 (Fla.

3d DCA 2022) (citing *Carraway v. Carraway*, 883 So.2d 834, 835 (Fla. 1st DCA 2004) for the proposition that "Florida case law appears to only permit the reopening of an estate after the discharge of the personal representative where there were procedural irregularities or facts constituting fraud or bad faith"); but see, e.g., *Egger v. Egger*, 506 So.2d 1168, 1168-69 (Fla.

3d DCA 1987) (determining that the statute of limitations in section 95.22, Florida Statutes (1985) doesn't bar an action to quiet title initiated by heirs of the decedent). The record contains no allegation of procedural irregularities, fraud, or bad faith. Finding no error with the trial court's determination, we affirm the dismissal.

However, applying the same logic, as no basis existed for the probate court to assume jurisdiction and reopen an otherwise duly administered estate, discharged in 1960, no basis exists for the probate court to make further findings as to the lawful owner of the subject property.

As the matter was not properly before the probate court, the court possessed no jurisdiction to make such findings. We therefore vacate the portion of the order on appeal (designated as paragraph (A) in the "Further Ordered and 3 Adjudged" portion of the order on appeal) that purports to determine ownership of the subject property. Affirmed in part and reversed in part.