

**IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI DADE COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

THEODORE WILLIAMS and
LEILA ANGELA WILLIAMS,
Plaintiffs-Appellants,

Third DCA No.
Lower Tribunal Case No. 23-01481- CA-01

vs.

BARBARA WILLIAMS and LISA WILLIAMS,

Defendants-Appellees.

2024 MAY 31 11:52

NOTICE OF APPEAL

NOTICE IS GIVEN that THEODORE WILLIAMS and LEILA ANGELA WILLIAMS, Appellants, appeal to the Third District Court of Appeal the judgment of this Court rendered May 26, 2024. This is a final judgment which dismissed the complaint and quieted title in the defendants.

Theodore Williams
and Leila Angela Williams,
17745 NW 19 Avenue
Miami Gardens, FL 33056
305-834-5906
thdrwilliams@yahoo.com

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE 5-30 AD 2024
JUAN FERNANDEZ-BARQUIN, Clerk of the Court and Comptroller, Miami-Dade County
Deputy Clerk

[Handwritten Signature]
12662



CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been furnished to

Glenn R. Miller (FL Bar 539376)
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and

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Co-counsel for Defendants

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this 30th day of May, 2024, by email.

/s/ Theodore Williams and

/s/ Leila Angela Williams,

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2023-001481-CA-01
SECTION: CA22
JUDGE: Beatrice Butchko Sanchez

Theodore Williams et al

Plaintiff(s)

vs.

Barbara Williams et al

Defendant(s)

_____ /

FINAL JUDGMENT

This action was tried before the court on April 26, 2024. Upon the evidence adduced thereat and the proceedings, the Court finds and concludes:

1. That it has jurisdiction over the parties and the subject matter hereof.
2. The action centers on a dispute regarding the real property identified as:

Lots 1, 2 and 3, Block 6, Magnolia Subdivision, according to the Plat thereof, as recorded in Plat Book 40 at Page 80 of the Public Records of Miami Dade County

Folio No. 08-2122-003-0540

Property Address: 2080 Lincoln Avenue, Opa Locka, FL 33054

hereinafter referred to as “the Subject Property”.

3. The Court has proper cognizance of the subject matter thereof pursuant to the directives indicated by the decision of the Third District Court of Appeal’s decision in Williams v. Williams, 353 So. 3d 223 (Fla. 3d DCA 2023).

The Court views the decision as allowing the Plaintiffs, Theodore Williams and Leila Angela Williams, to file the present action, the subject matter of which, by Count I of their Complaint and Defendant, Lisa Williams’ Counterclaim, is to determine the ownership of the Subject Property.

4. The Subject Property was originally owned by a gentleman named Samuel Jessie Williams. The Subject Property was owned by Samuel Jessie Williams on his own and in his name alone. Although he was married, at the time of his death he also owned other properties with his wife, Leila Mae Williams, as a right of survivor.

When he died intestate, his wife Leila Mae Williams was determined, or became, the administratrix of his estate. At the time of his death, he was survived by his wife and some children. His natural children were Prince Williams, Theresa Williams, Theodore Williams, and Leila Angela Williams. The Decedent, Samuel Jessie Williams' wife, Leila Mae Williams, had another child by the name of Robert Lewis Williams, at least that's how he was named in the

probate documents.

When Samuel Jessie Williams died, Leila, his wife, pursued a probate of his estate in 1958 in the County Judges Court In and for Dade County, Florida, the proceeding bearing Case No. 44240-A. In that proceeding, Leila Mae Williams filed a Petition for Distribution and Discharge, and on Page 2 of that document, she listed herself as the surviving widow and natural guardian for all her children, including Robert Lewis Williams, who was her child and not the son of Samuel Jessie Williams. Robert Lewis Williams was a minor at the time, 17 or 18 years of age. No one contested that structure dating back to 1958, and so that's how life went on for a very long time until the mid-'80s.

5. In 1986, Leila Mae Williams, the surviving spouse, was sick, and all the children were then adults. In 1986, on the month that she died, maybe five days before she died, she executed a Last Will and Testament and some quit claim deeds to include a deed to the Subject Property. In her Last Will and Testament, she devised the property that her husband, Samuel Jessie Williams, owned either with her or on his own. The property that she owned with her husband she owned with right of survivorship and those couple of pieces of property were given by Will to some of the children, and they're not contested in this action.

The Subject Property that's contested here is the one that Samuel Jessie Williams owned on his own. In her Will dated December 5, 2016, Leila Mae Williams gave and bequeathed the Subject Property described as Lot 1, 2 and 3, Block 6, Magnolia Subdivision to her son, Robert Lewis Williams. Leila Mae Williams also executed a Quitclaim Deed for the Subject Property that was recorded December 15, 1986, and appears in Official Records Book 13114 at Page 1619 of the public records of Miami Dade County, Florida. The Plaintiffs in this case contend that their mom had no legal right to devise that property to her son, their half brother, because at the time of Samuel's death, he died intestate, the property would have gone to the heirs, his blood heirs, which would not have included her son Robert. Nevertheless, Leila Mae Williams in 1986 executed the aforementioned Last Will and Testament and also a corresponding Quitclaim Deed in 1986 to Robert Lewis Williams, her son, for the Subject Property. No one contested that. There is testimony that the Plaintiffs knew about this since the '80s.

6. Under §95.22, Fla. Stat. (2023), there was a seven-year period to contest the conveyance to Robert Lewis Williams. Paragraph 1 reads as follows:

"When any person owning real property or any interest in it dies, and a conveyance is made by one or more of the person's heirs, purporting to convey, either singly or in the aggregate, the entire interest of the decedent in the property or any part of it, then no person shall claim or recover the property conveyed after seven years from the date of the recording of the conveyance."

The deed from 1986 to Robert Lewis Williams was recorded in 1986, and even if Plaintiffs' mother did not have the legal right to convey the Subject Property because she only inherited a piece of it, once the deed was recorded it became for the world to see, and under §95.22, Fla. Stat. (2024) a seven year period to contest the conveyance became applicable.

Hence, the issue is whether or not Plaintiffs are barred by the statute. The Plaintiffs focus on Section 2 of §95.22 and on Egger vs. Egger, 506 So. 2d 1168 (Fla. 3d DCA 1987). Section 2 of the statute provides:

"This section shall not apply to persons whose names appear of record as devisees under the will or as heirs in proceedings brought to determine their identity in the office of the judge administering the estate of the decedent."

The papers dating back to the '50s do not meet the statutory requirements of Section of §95.22 as the evidence does not qualify to show Plaintiffs as devisees under a Will or as heirs in proceedings brought to determine their identity in the office of the judge administering the estate. Even assuming arguendo that Section 2 of §95.22 applies, the paper filed by Leila Mae Williams in the '50s indicating a percentage of ownership, wrongfully providing Robert Lewis Williams a percentage of ownership, were to qualify under paragraph of §95.22, even so, the Defendant's claim of title based upon adverse possession under color of title is a valid claim.

The Defendant/Counter-Plaintiff in this case, Lisa Williams, has color of title and possession to the Subject Property. She obtained title and possession in the tacking method from 1986, which possession was open and notorious, everyone in the family knowing of such title. There is an enclosure on the property, taxes have been paid since the '80s, and so by adverse possession, they're entitled to ownership.

Accordingly, the Court enters judgment as follows:

A. That under §95.22, Plaintiffs' claims are barred by the seven-year statute, and under adverse possession, as provided in §95.16, Lisa Williams is confirmed as the owner of the Subject Property.

This is so notwithstanding the actual name of Robert Lewis Williams being Robert Lewis Hunter. Robert Lewis Hunter was known as Williams his whole life. Even his daughter has the name Williams.-

B. The Court determines that the claims of the Plaintiffs as against the Subject Property, are hereby dismissed.

C. The Lis Pendens appearing in Official Records Book 34120 and Page 2606 is hereby discharged and is no longer a lien or claim upon the Subject Property.

D. That title to the Subject Property is hereby quieted in favor of Defendant, Lisa Williams, and against the Plaintiffs and Defendant, Lisa Williams, is entitled to the exclusive possession of the Subject Property.

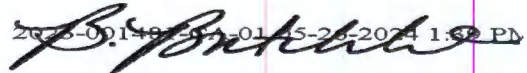
E. Defendant, Lisa Williams, owns the Subject Property in fee simple, and is entitled to the quiet and peaceful possession of the above described Subject Property.

F. Plaintiffs, and all persons claiming under them, have no estate, right, title, lien or interest in or to the real property or any part of the Subject Property.

G. Plaintiffs, and all persons claiming under them, are enjoined from asserting any adverse claim to Defendant's title to the property.

H. The Court determines that Count II, Determination of Beneficiary Shares, is rendered moot by this decision and accordingly is dismissed.

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 26th day of May, 2024.



2023-001481-CA-01-05-26-2024 1:39 PM

Hon. Beatrice Butchko Sanchez

CIRCUIT COURT JUDGE

Electronically Signed

Final Order as to All Parties SRS #: 12 (Other)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

Electronically Served:

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