IN THE DISTRICT COURT OF APPEAL
THIRD DISTRICT OF FLORIDA

CASE NO. 3D24-988

Lower Tribunal Case 2023-1481 CA 01

THEODORE WILLIAMS and LEILA ANGELA WILLIAMS,

Appellants,

vs.

BARBARA WILLIAMS and LISA WILLIAMS,

Appellees.

ANSWER BRIEF OF APPELLEES

Arnaldo Vélez
ARNALDO VÉLEZ, P.A.
Counsel for Appellees
35 Almeria Avenue
Coral Gables, FL 33134
Tel: 305-461-9499
avelez@velezlawoffices.com
georgina@avelezlawoffices.com

TABLE OF CONTENTS

	Page
Table of Authorities Cited	ii-iv
Statement of the Facts and of the Case	1-7
Points on Appeal	8

I

DID THE LOWER TRIBUNAL ERR IN DETERMINING THAT APPELLANTS' CLAIM TO QUIET TITLE WAS BARRED BY THE SEVEN YEAR PROVISION SET FORTH IN §95.22, FLA. STAT?

II

DID THE LOWER TRIBUNAL ERR IN DETERMINING THAT APPELLEES' CLAIM UNDER §95.16 (FLA. STAT. 2023) TO QUIET TITLE WAS APPROPRIATE?

Summary of Argument	8-9
Argument I	9-15
Argument II	15-20
Conclusion	21
Certificate of Service	22
Certificate of Compliance with Font and Word Requirements	23

TABLE OF AUTHORITIES CITED

Case	Page
Adams v. Adams 512 So.2d 1150 (Fla. 1st DCA 1987)	20
Bentz v. McDaniel 872 So. 2d 978 (Fla. 5th DCA 2004)	19
Blitch v. Sapp 142 Fla. 166, 194 So. 328 (1940)	18
Bonifay v. Dickson 459 So.2d 1089 (Fla. 1st DCA 1984)	18
Bonifay v. Garner 503 So.2d 389 (Fla. 1st DCA 1987)	20
Chasteen v. Chasteen 213 So. 2d 509 (Fla. 1st DCA 1968)	19, 20
Demosthenes v. Girard 955 So.2d 1189 (Fla. 3d DCA 2007)	20
Egger v. Egger 506 So. 2d 1168 (Fla. 3d DCA 1987)	10, 19
Essex Ins. Co. v. Zota 985 So.2d 1036 (Fla. 2008)	11
Francius v. Carlos Auto Rental Services, Inc. 2024 WL 3433658 (Fla. 3d DCA 2024)	18
Frazier v. Goszczynski 161 So.3d 542 (Fla. 5th DCA 2014)	19

Case	**Page**
Kroitzsch v. Steele 768 So.2d 514 (Fla. 2d DCA 2000)	20
La Ley Sports Complex at City of Homestead, LLC v. City of Homestead 355 So.3d 468 (Fla. 3d DCA 2018)	18
Law Offices of E. Borell v. Acevedo 322 So.3d 1218 (Fla. 3d DCA 2021)	18
Layne v. Layne 74 So. 3d 161 (Fla. 1st DCA 2011)	18
McLemore v. McLemore 675 So.2d 202 (Fla. 1st DCA 1996)	20
Prieto v. Rossi 355 So. 3d 144 (Fla. 4th DCA 2024)	18
Schwartz v. Rodriguez 2024 WL 3434204 (Fla. 3d DCA 2024)	18
Shaw v. Shaw 334 So.2d 13	2
Simpson v. Lindgren 133 So. 2d 439 (Fla. 3d DCA 1961)	19
Steputat & Co. v. Bidwell 599 So. 2d 762 (Fla. 5th DCA 1992)	18

Case	**Page**
Underwater Engineering Services v. Utility Bd. Of City of Key West 194 So.3d 437 (Fla. 3d DCA 2010)	2
Williams v. Williams 353 So.3d 1272 (Fla. 3d DCA 2023)	9

Other Authorities Cited:

§95.22, Fla. Stat. (1985)	10
§95.16 (Fla. Stat. 2023)	15

STATEMENT OF THE CASE AND THE FACTS

Appellees, Barbara Williams and Lisa Williams, acknowledge that Appellants are acting in *propia persona* with leniency afforded to their brief, but we disagree that the lower tribunal *"simply reviewed documents and found…claims barred."*[1] The entered judgment was the product of trial whereat testimony and documents were received, its

---

[1] See Appellants' Initial Brief at page 1.

With this observation, we add that in their brief, Appellants also make statements designating the source as "R" followed by a page number (see e.g. brief p.1, 2 and 3). What Appellants have done is to make reference to pleadings contained in the Record on Appeal as if they were facts.

Additionally Appellants' references to "Tr." is troublesome as this designates a reference to the Transcript but the only transcript contained in the record is an excerpt containing the lower tribunal's ruling and ending comments and the references in the brief at page 13 do not match up with the pages contained in the Record on Appeal Trial Transcript.

text founded on competent substantial evidence[2] and its analysis textually explained stating:

> *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".*

---

[2] Which Appellees submit is the proper scope or standard for review with *Shaw v. Shaw*, 334 So.2d 13, 16 (Fla. 1976) stating:

> *It is not the function of the Appellate Court to substitute its judgment for that of the trial court through reevaluation of the testimony and evidence from the record on appeal before it. The test...is whether the judgment of the trial court is supported by competent evidence. Subject to the Appellate court's right to reject "inherently incredible and improbable testimony, or evidence." It is not the prerogative of an Appellate Court, upon a de novo consideration of the record to substitute its judgment for that of the trial court.*

See also Underwater Engineering Services v. Utility Bd. Of City of Key West, 194 So.3d 437 (Fla. 3d DCA 2010).

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.[3]

On the basis of the foregoing, the lower tribunal found and determined:

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.

---

[3] R, 577-579.

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.[4] [5]

---

[4] R, 579.

[5] Though the text of the judgment substantially inures to Lisa Williams, her mother, Barbara Williams, is an interested and affected party in the event of reversal. For that reason, she has the status of an Appellee.

POINTS ON APPEAL

I

DID THE LOWER TRIBUNAL ERR IN DETERMINING THAT APPELLANTS' CLAIM TO QUIET TITLE WAS BARRED BY THE SEVEN YEAR PROVISION SET FORTH IN §95.22, (FLA. STAT. 2023?[6]

II

DID THE LOWER TRIBUNAL ERR IN DETERMINING THAT APPELLEES' CLAIM UNDER §95.16 (FLA. STAT. 2023) TO QUIET TITLE WAS APPROPRIATE?[7]

SUMMARY OF ARGUMENT

This is a case that must be affirmed.

Never, never begin an argument this way. One must never, never begin an argument this way when one writes one. No opening could be possibly worse. It is unimaginative, flat, dry and likely to consist of mere wind. But in this instance, it is allowable for the following paragraph, which should have inaugurated the narrative, and that which follows, is justified.

---

[6] Raised by Argument II of Appellants' Initial Brief.

[7] Raised by Argument I and III of Appellants' Initial Brief.

The explicative judgment entered by the trial court previously provided factually and legally tells why an affirmance is required. It would be a redundancy to restate it. Moreover Appellants have not produced a complete transcript of the trial to impeach its factual findings. Simply put, Mother Leila Mae Williams' long ago control and distribution of her late husband's properties amongst her children and its consequences cannot be disturbed and should remain.

ARGUMENT

I

THE LOWER TRIBUNAL DID NOT ERR IN DETERMINING THAT APPELLANTS' CLAIM TO QUIET TITLE WAS BARRED BY THE SEVEN YEAR PROVISION SET FORTH IN §95.22, (FLA. STAT. 2023)

In *Williams v. Williams*, 353 So.3d 1272 (Fla. 3d DCA 2023), this Court reviewed the denial of a request to reopen the estate of Samuel Jessie Williams for the ostensible purpose of undoing the distribution of his properties undertaken by his widow Leila Mae Williams. In its review, this Court affirmed the denial as no allegations of procedural irregularities or facts constituting fraud or bad faith were attendant or appeared, this Court stating:

> *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.*

but the Court noted that due to *Egger v. Egger*, 506 So. 2d 1168 (Fla. 3d DCA 1987) somehow §95.22, Fla. Stat. (1985) did not foreclose/bar an action to quiet title initiated by heirs of the decedent and it was on that comment that Appellants proceeded with Count I of their present action. As noted in the Final Judgment, the statute prescribes:

> *"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."*

so it would seem that Appellants were barred from their pursuit. However, 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."*

Before proceeding it is appropriate to acknowledge and emphasize that statutes are in derogation of the common law and

must be strictly construed, *Essex Ins. Co. v. Zota*, 985 So.2d 1036, 1048 (Fla. 2008) informing:

> *It is a well-settled rule of Florida statutory construction that [s]tatues in derogation of the common law are to be construed strictly…They will not be interpreted to displace the common law further than is clearly necessary. Rather, the courts will infer that such a statute was not intended to make any alteration other than was specified and plainly pronounced. A statute, therefore, designated to change the common law rule must speak in clear, unequivocal terms, for the presumption is that no change in the common law is intended unless the statute is explicit in this regard.*

Thus, the inquiry is a narrow one, being whether Appellants "*names appear of record as devisees under a will or as heirs in a proceeding brought to determine their identity in the office of the judge which administered the estate of "* Samuel Jessie Williams.

Samuel Jessie Williams died intestate, hence no dimension for applicability of the first part of the statute appears. As a result, the burden on Appellants was to provide evidence of a proceeding brought to determine their identity as heirs in the office of the judge, in this case the County Judge's Court, sometime in 1958.

For whatever reason, in Leila Mae Williams' handling of the estate of Samuel Jessie Williams there does not appear a specific filing of a paper, instrument or designation for a proceeding *brought to determine the identity of his heirs in the office of the judge which administered the estate.*

What does appear is a Petition for Distribution and Discharge providing that *"the heirs of the said Samuel J. Williams are not sui juris however through their natural guardian and hereby waive the filing of Annual Accountings, a Final Accounting and the advertisement of notice thereof and acknowledge that the said Leila Mae Williams as such administratrix now has on hand cash in bank, to be distributed as follows (share alike basis)*

Leila Mae Williams as surviving widow
" " " as natural guardian for Robert Lewis Williams
" " " as natural guardian for Prince Williams
" " " as natural guardian for Theresa Williams
" " " as natural guardian for Theodore Williams
" " " as natural guardian for Leila Angela Williams"[8]

[8] R, 141-142.

No mention is made of any real property for distribution, let alone the proclamation of Robert, Prince, Theresa, Theodore or Leila Angela as their determination or proclamation of heirs entitling them to ownership of such. The Order of Final Discharge of 1961 does not contain any proclamation other than to have simply specified:

ORDER OF FINAL DISCHARGE

> *The petition of Leila Mae Williams as Administratrix of the estate of Samuel Jessie Williams, deceased, came ton this day to be heard, and it appearing that said Leila Mae Williams has faithfully discharged her duties according to law and has distributed the assets of said estate in accordance with prior order of this Court, and the Court being fully advised in the premises,*
>
> *IT IS ORDERED AND ADJUDGED that Leila Mae Williams be and she is hereby discharged as Administratrix of the estate of Samuel Jessie Williams and that State Fire & Casualty Company, the surety on the bond heretofore required and filed, it is hereby relieved from further liability as such surety according to law.*
>
> *DONE AND ORDERED at Miami, Florida this 24th day of January, 1961.*[9]

That Appellants or any other siblings or persons were not considered "heirs" is corroborated by the manner by which Leila Mae

---

[9] R, 144.

Williams treated and handled other properties at one time owned by Samuel Jessie Williams. Before dying on December 10, 1986, Leila Mae whom Appellants at page 3 of their brief admit treated the property as 100% her own, executed and delivered the following deeds:

(a) July 28, 1970, for Lot One, less the north 10 feet of Block 12 of Rainbow Park, to Prince Samuel Williams and Emma Jean Williams;[10]

(b) December 5, 1986, for Lots 1, 2 and 3, Block 6, Magnolia Subdivision to Robert Lewis Williams;[11]

(c) December 5, 1986, for Lots 15 and 16 in Block 5 Magnolia Subdivision, to Theodore Charles Williams;[12]

(d) By Warranty Deed dated March 24, 2006, recorded on March 31, 2006 in Official Records Book 24385 at page 1797, Theodore Charles Williams sold Lots 15 and 16, Block 5 of Magnolia Subdivision, to Gaza Enterprises;[13] and

---

[10] R, 77, 92, 186.

[11] R, 73, 88, 123.

[12] R, 74, 89, 171.

[13] R, 542.

(e) December 5, 1986, for Lot 8, North 10 feet of Block 12, Rainbow Park, to Leila Angela Stafford;[14]

(f) Lots 13 and 14, Block 5, Magnolia Subdivision to Teresa Maria Spivey;[15]

(g) By Warranty Deed dated July 17, 1989, recorded in Official Records Book 15144 at Page 174, Teresa Maria Spivey sold Lots 13 and 14, Block 5, of Magnolia Subdivision, to Nellie M. Webber.[16]

These conveyances are incongruous with a determination that there had been a proceeding determining any of the foregoing as heirs.

II

THE LOWER TRIBUNAL DID NOT ERR IN DETERMINING THAT APPELLEES' CLAIM UNDER §95.16 (FLA. STAT. 2023) TO QUIET TITLE WAS APPROPRIATE.

Supplementing the inability to challenge the conveyance of property to Robert Lewis Williams by Leila Mae Williams and the chain of title resulting therefrom is the stand alone ability of Appellees to pursue an action to quiet title based upon color of title as prescribed by §95.16, Fla. Stat. which provides:

---

[14] R, 75, 90, 173.

[15] R, 76, 91, 175.

[16] R, 190-192.

> *95.16 Real property actions; adverse possession under color of title.—*
>
> *(1) When the occupant, or those under whom the occupant claims, entered into possession of real property under a claim of title exclusive of any other right, founding the claim on a written instrument as being a conveyance of the property, or on a decree or judgment, and has for 7 years been in continued possession of the property included in the instrument, decree, or judgment, the property is held adversely. If the property is divided into lots, the possession of one lot shall not be deemed a possession of any other lot of the same tract. Adverse possession commencing after December 31, 1945, shall not be deemed adverse possession under color of title until the instrument upon which the claim of title is founded is recorded in the office of the clerk of the circuit court of the county where the property is located.*

On the basis of this statute and the evidence before it the lower tribunal made the factual finding that:

> *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.*

thereupon entering a judgment quieting title in Appellee, Lisa Williams' favor.

Appellants' challenge to the finding and judgment is of an evidentiary nature positing that:

(1) it requires the fulfillment of an element of good faith and Appellees did not fill this requirement;[17]

(2) there is an absence of sufficient evidence;[18]

(3) that the evidence lacks the quality of evidence required in quiet title disputes among relatives. Clear and convincing evidence is required particularly where the party against whom it is asserted is family with a showing that family was knowledgeable with the adverse holding and such evidence was lacking;[19]

(4) that Appellees may appear to be an interloper;[20]

(5) that her acquisition of title was derived from a lack of value.[21]

These challenges are flawed because Appellants have not provided a complete transcript of the trial proceedings. It is well

---

[17] Appellants' brief at pages 9-10 and 13-14.

[18] Appellants' brief at p. 10.

[19] Appellants' brief at pages 11-12. At page 13 of the brief, Appellants advise that no other family member occupied the premises from which admission it is obvious that only Appellees exercised dominion and control of the property.

[20] Appellants' brief at page 15.

[21] Appellants' brief at pages 14-15.

known that in reviewing a final judgment rendered from a bench trial the findings made by the lower tribunal are presumed correct.[22] The rulings arrive in this court with the presumption of correctness and the court "*must interpret the evidence in a manner most favorable to sustain the trial court's rulings*".[23] Out of an abundance of caution Appellees will comment on the authorities cited.

Regarding the authorities cited by Appellants at pages 7 through 15, we state:

(a) *Prieto v. Rossi*, 355 So. 3d 144 (Fla. 4th DCA 2024); *Blitch v. Sapp*, 142 Fla. 166, 194 So. 328 (1940); *Layne v. Layne*, 74 So. 3d 161 (Fla. 1st DCA 2011) submitted to somehow indicate that a quit claim deed will not be operative upon which to predicate a quiet title action. We direct the Court's attention to *Steputat & Co. v. Bidwell*, 599 So. 2d 762, 763 (Fla. 5th DCA 1992), citing to *Bonifay v. Dickson*, 459 So.2d 1089 (Fla. 1st DCA 1984) which negates such a position.

---

[22] *La Ley Sports Complex at City of Homestead, LLC v. City of Homestead*, 355 So.3d 468, 469 (Fla. 3d DCA 2018). Absence of the transcript precludes appellate review of the Court's findings. *Schwartz v. Rodriguez*, 2024 WL 3434204 (Fla. 3d DCA 2024); *Law Offices of E. Borell v. Acevedo*, 322 So.3d 1218 (Fla. 3d DCA 2021).

[23] *Francius v. Carlos Auto Rental Services, Inc.*, 2024 WL 3433658 (Fla. 3d DCA 2024).

(b) *Egger v. Egger*, 506 So. 2d 1168 (Fla. 3d DCA 1987) cited for the purpose of urging the application of §95.22, Fla. Stat. which was covered at page 10.

(c) *Simpson v. Lindgren*, 133 So. 2d 439 (Fla. 3d DCA 1961) involved a setting where the parties asserting adverse possession knew the grantor of the deed received by them had actual knowledge that he did not have title to the property. No such setting appears in this case.

(d) *Frazier v. Goszczynski*, 161 So.3d 542 (Fla. 5th DCA 2014) involved knowledge by the claimants that the quit claim deed they received was actually bogus with the Court determining they were but schemers or fortune holders. Nothing of the sort is shown to exist in this action. *Frazie*r also mentions the standard of proof as being "clear and convincing" but this argument is foreclosed by absence of a transcript and clear showing that the evidence presented was insufficient.

(e) *Bentz v. McDaniel*, 872 So. 2d 978 (Fla. 5th DCA 2004) cited to repeat the standard of proof that is required indicating that the evidence not be loose or uncertain but Appellants fail to show how the evidence in this case was loose or uncertain.

(f) *Chasteen v. Chasteen*, 213 So. 2d 509 (Fla. 1st DCA 1968) cited for the proposition that where the adverse possession claim arises in a family setting involving tenants in common, the quality of the evidence must be clear and convincing regarding adversity; the rationale being that possession by one co-tenant is presumed not to be hostile. The underpinnings for invoking the family setting rule is absent in this case as this did not involve tenants in common and the mere nature of the actions recently filed are proof positive of the lack of acquiescence. The finding of the lower tribunal in this action was presumptively entered upon the presence of adversity and that the elements for adverse possession were properly fulfilled.

(e) *Adams v. Adams*, 512 So.2d 1150 (Fla. 1st DCA 1987) supplies a department of additional inquiry for adverse possession among family members with the summary taken from *Chasteen v. Chasteen*, 213 So.2d 509, 511 (Fla. 1st DCA 1968). The argument offered against Chasteen is applicable to this case.

(f) *McLemore v. McLemore*, 675 So.2d 202 (Fla. 1st DCA 1996) rejected an adverse possession claim where it appeared that the lawful owner of the land did not have reason to believe others held interests that were adverse and could serve to divest her of the property. No such scenario appears in this action. What is palpable is that Appellnats have known of Appellee, Lisa Williams and her mother's claim to the property for years.

(g) *Bonifay v. Garner*, 503 So.2d 389 (Fla. 1st DCA 1987) involves land dealings based on obvious speculation which yielded a conclusion that the grantee from which the claim was made was actually acting without good faith. Again, that is not this case.

(h) Demosthenes v. Girard, 955 So.2d 1189 (Fla. 3d DCA 2007) is an allegory of rascality among partners or joint venturers not peculiar to this case and therefore with doubtful authority to this case.

(i) Kroitzsch v. Steele, 768 So.2d 514 (Fla. 2d DCA 2000) is another episode of rascality whose appellate resolution has no application to the case at bar.

CONCLUSION

Years have gone by since 1958 and 1961. No sound legal or truly logical reason exists to undo or disturb that which was undertaken by Leila Mae Williams and which was observed and lived with for so many years. Yes, rivalry, rancor and resentment exists among siblings, be they legal or *defacto* siblings, but that is not a sufficient basis, legal or otherwise, to upset or cause to be undone that which was done long ago. An affirmation of the judgment is appropriate.

ARNALDO VÉLEZ, P.A.
Counsel for Appellees
35 Almeria Avenue
Coral Gables, FL 33134
Tel: 305-461-9499
avelez@velezlawoffices.com
georgina@velezlawoffices.com

By: */s/ Arnaldo Vélez*
FL Bar 149589

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was on August 7, 2024, served via the Court's eFiling Portal and US Mail upon Theodore Williams and Leila Angela Williams, Pro Se Appellants, 17745 NW 19 Avenue, Miami Gardens, FL 33056.

ARNALDO VÉLEZ, P.A.
Counsel for Appellees
35 Almeria Avenue
Coral Gables, FL 33134
Tel: 305-461-9499
avelez@velezlawoffices.com
georgina@velezlawoffices.com

By: */s/ Arnaldo Vélez*
FL Bar 149589

CERTIFICATE OF COMPLIANCE
WITH FONT AND WORD REQUIREMENTS

I HEREBY CERTIFY that the Answer Brief filed in this appeal contains 4850 words and is in conformity with all font and word count requirements of Rule 9.045(e) of the Florida Rules of Appellate Procedure.

ARNALDO VÉLEZ, P.A.
Counsel for Appellees
35 Almeria Avenue
Coral Gables, FL 33134
Tel: 305-461-9499
avelez@velezlawoffices.com
georgina@avelezlawoffices.com

By: *Arnaldo Vélez*
FL Bar 149589

P:\G V\APPEALS\WILLIAMS\3D24-988\Answer Brief of Appellees.wpd