

**IN THE DISTRICT COURT OF APPEAL
STATE OF FLORIDA, SECOND DISTRICT**

MARIE WICK,

Appellant,

Case No. 2D2024-0889

vs.

RONALD AND GINA
CLAMPITT,

Appellees.

On Appeal from an Order of the Circuit Court of the Sixth Judicial
Circuit in and for Pinellas County, Florida

ANSWER BRIEF OF APPELLEES RONALD AND GINA CLAMPITT

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TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES.....iii

RECORD CITATION ABBREVIATIONS v

QUESTION PRESENTED 1

STATEMENT OF THE CASE AND FACTS 1

SUMMARY OF THE ARGUMENT 8

ARGUMENT 9

I. The proceedings supplementary statute provides a creditor with remedies - subject to its plain language..... 11

A. The proceedings supplementary statute excludes exempt property unless a creditor files a supplemental fraudulent transfer complaint. 12

B. The proceedings supplementary statute excludes non-debtor real property unless a creditor files a supplemental fraudulent transfer complaint..... 14

C. The proceedings supplementary statute provides a mechanism for a creditor to pursue exempt property or non-debtor real property: by filing a supplemental fraudulent transfer complaint. 16

D. The characterization of the real properties at issue determines which subsection of the proceedings supplementary statute applies. 17

II. No applicable exception permits circumvention of the proceedings supplementary statute’s plain language.....20

III. Any argument or issue not raised below is waived.23

CONCLUSION23

CERTIFICATE OF SERVICE25

CERTIFICATE OF COMPLIANCE WITH FONT STANDARDS25

TABLE OF AUTHORITIES

CASES

381651 Alberta, Ltd. v. 279298 Alberta, Ltd.,
675 So. 2d 1385 22

Advertects Inc. v. Sawyer,
84 So. 2d 21 (Fla. 1955)..... 22

Aills v. Boemi,
29 So. 3d 1105 (Fla. 2010)..... 23

Beal Bank, SSB v. Almand & Assocs.,
780 So. 2d 45 (Fla. 2001)..... 13

Clampitt v. Wick,
320 So. 3d 826 (Fla. 2d DCA 2021) Passim

Coury v. City of Tampa,
2024 WL 4897974 (Fla. 2d DCA Nov. 27, 2024)..... 9-10

Credit Corp. I v. Upshaw,
10 So. 3d 1103 (Fla. 4th DCA 2009)..... 18

Credit Corp. I v. Upshaw,
2007 WL 9216861 (Fla. Cir. Ct.)..... 18

Dep’t of Legal Affairs v. Dist. Court of Appeal, 5th Dist.,
434 So. 2d 310 (Fla. 1983)..... 22

Gamez v. First Union Nat’l Bank of Florida,
31 So. 3d 220 (Fla. 4th DCA 2010)..... 18

Matsushita Elec. Indus. Co., Ltd.,
475 U.S. 10

McKeown v. Allen,
20 So. 556 (Fla. 1896).....18, 21

<i>Regent Bank v. Woodcox</i> , 636 So. 2d 885 (Fla. 4th DCA 1994).....	21
<i>Richard v. McNair</i> , 164 So. 836 (Fla. 1935).....	22
<i>Rosenberg v. U. S. Bank</i> , 360 So. 3d 795 (Fla. 3d DCA 2023).....	15, 21
<i>Ryan's Furniture Exch. v. McNair</i> , 162 So. 483 (Fla. 1935).....	18
<i>Salina Mfg. Co. v. Diner's Club, Inc.</i> , 382 So. 2d 1309 (Fla. 3d DCA 1980).....	23
<i>Sunset Harbour Condo. Ass'n v. Robbins</i> , 914 So. 2d 925 (Fla. 2005).....	23
<i>Wieczoreck v. H & H Builders, Inc.</i> , 450 So. 2d 867 (Fla. 5th DCA 1984).....	18
<i>Zureikat v. Shaibani</i> , 944 So. 2d 1019 (Fla. 5th DCA 2006).....	19

STATUTES

Fla. Stat. § 56.29	Passim
Fla. Stat. § 56.29(2)	Passim
Fla. Stat. § 56.29(3)	Passim
Fla. Stat. § 56.29(6)	11, 19, 20, 21
Fla. Stat. § 56.29(9)	Passim
Fla. Stat. § 726.101	12, 17
Fla. Stat. § 726.102	13

RULES

Fla. R. App. P. 9.21025

Fla. R. Jud. Admin. 2.51625

RECORD CITATION ABBREVIATIONS

R.132 Tr. 13:12 refers to the Record, page 123, Transcript
page 13, line 12.

QUESTION PRESENTED

Appellant, Marie Wick (“Creditor Wick”), incorrectly characterizes the question before the Court in her initial brief. (See IB 1.) The question presented is whether a creditor can ignore the plain language of the proceedings supplementary statute (Section 56.29, Florida Statutes), decline to file a Chapter 726 supplemental complaint for fraudulent transfer as required by the statute, and execute on exempt property and non-debtor real property, which is specifically excluded by the statute? The answer is no.

Creditor Wick argues she is concerned that a creditor is left with no recourse, which she claims would render a money judgment “useless.” (See IB 1.) Importantly, a creditor does retain a remedy to pursue exempt property or non-debtor real property. Section 59.29(9) states that the creditor may bring an action pursuant to Chapter 726 for a fraudulent transfer by filing and serving a supplemental complaint.

STATEMENT OF THE CASE AND FACTS

Appellees Ronald and Gina Clampitt (the “Clampitts”), husband and wife, respectfully request this Court affirm the trial

court's entry of partial summary judgment in their favor and against Creditor Wick. (R.4762-66.) In this post-judgment collection action, Creditor Wick seeks to collect on a November 13, 2007, judgment entered against Mr. Clampitt only. (IB 2.)

As this Court may recall from the many previous related appeals (*see* Amend. Not. Rel. Cases, Sept. 16, 2024), Mr. Clampitt suffered a massive stroke in 2003 that required several months of hospitalization and rehabilitation, and still severely impacts his memory and abilities (R.3196 ¶2), requiring full time care (R.3927 ¶3). Prior to the stroke and the Clampitts' marriage shortly thereafter in 2003, Mrs. Clampitt owned, operated, and provided therapy in her successful twenty-year, multi-provider mental health counseling practice. (R.3928 ¶6.) At the time of her marriage, Mrs. Clampitt had substantial resources of her own in excess of one million dollars from her practice, personal investments, and family gifts. *Id.*

As a result of Mr. Clampitt's incapacitation at the start of their marriage, Mrs. Clampitt was forced to loan funds from her own premarital assets to pay for many of Mr. Clampitt's medical bills

and other obligations, including improvement and upkeep for the real properties at issue such as regular maintenance, back taxes, current taxes, and old liens. (R.3198-3200 ¶3(A)-(D).) At the time of his stroke and for about seven years after, Mr. Clampitt's assets were managed solely by his power of attorney, Mr. Bayless, who made no contributions to any of the real properties at issue, Mr. Clampitt's medical expenses, or other personal expenses. (R.3198 ¶3(A); R.3931 ¶11.) Those expenses fell solely to a newlywed Mrs. Clampitt, which she paid from her personal premarital funds. (R. 3198-3200 ¶3(A)-(D).)

On January 12, 2018, pursuant to proceedings supplementary, the trial court entered a notice to appear for Creditor Wick seeking to collect on the judgment against Mr. Clampitt. (R.3189-91.) The notice sought to apply the full value of five real properties against the alleged outstanding amount due from Mr. Clampitt. (R.3189-90.) Four of the properties are held by the Clampitts as tenants by the entirety ("TBE") and the fifth is held by Mrs. Clampitt only. (*Id.*; R.4763-64 ¶¶3-4.) Significantly, Creditor Wick proceeded pursuant to the proceedings

supplementary statute (Section 56.29, Florida Statutes) (R.3189), not the chapter on fraudulent transfers (Chapter 726, Florida Statutes), and she never filed or served a supplemental complaint for fraudulent transfer. (R.4764 ¶5.)

The Clampitts filed their affidavits in response and opposition (R.3195-3201) and their legal defenses (R.3201-03) to the notices to appear, which defenses were later separated into two documents per a court order (R.3427-32). Mrs. Clampitt provided almost 450 pages of supporting documentation (R.3934-4379) and swore she owned all of the property sought by Creditor Wick either as TBE or by herself because, among other reasons, she paid for her interest from her separate pre-marital assets (R.3920-25 ¶¶5-17). In addition, the Clampitts argued four of the real properties were owned as TBE, and therefore exempt from execution (R.3201; 3427; 3430); the fifth was held by Mrs. Clampitt only and exempt from execution under the proceedings supplementary statute (R.3199 ¶(3)D); and that there existed no fraud (R.3202; 3428; 3431).

On January 7, 2019, Creditor Wick filed a motion for summary judgment as to the real properties sought in this

proceeding (R.3364) and the cash value of some life insurance policies, which are not at issue here (R.3399, 3407). As to the real properties, Creditor Wick primarily argued that the properties were not owned as TBE (R.3369-70) and the transfers were fraudulently made (R.3369-71). Creditor Wick provided no evidence to support these allegations.

On February 26, 2019, the Clampitts filed responses in opposition to the motion related to the real properties. (R.3433-54.) The Clampitts argued that each of the real properties was held either as TBE or by Mrs. Clampitt individually, making them exempt from execution or excluded pursuant to the proceedings supplementary statute. (R.3444-46 ¶¶10-13.) The Clampitts pointed out that a sister court had recently heard the same evidence and arguments as to two of the properties and had determined, after a full trial, that the properties were held as TBE and there existed no fraudulent transfer, entering judgment in favor of the Clampitts. (R.3449 n.1.)

As evidence, Mrs. Clampitt filed an affidavit including a tremendous amount of supporting documentation. (See R.3455-

3886; R.3927-4379.) In her sworn statement, she carefully detailed the expenses she paid on each property (R.3455-61) and provided documentation supporting the payments (R.3462-3886). She further described the loans she made to Mr. Clampitt to pay his bills and the calculations they used to pay her back for some of the money she loaned Mr. Clampitt, again with supporting documentation. (R.3455-3886; R.3927-4379.) Mrs. Clampitt also provided copies of the deeds, which demonstrate the real properties are held as TBE. (R.3935; 4012; 4026; 4028; 4032.)

On March 28, 2019, the trial court entered a final summary judgment in favor of Creditor Wick. (R.3908.) The Clampitts appealed. (See 2D19-1588.) This Court reversed, issuing a ten-page opinion. (See R.4711-20, Opinion, 2D19-1588, *available at Clampitt v. Wick*, 320 So. 3d 826 (Fla. 2d DCA 2021) (the “Opinion”).) This Court held that “the trial court erred in determining that the Clampitts did not hold title to the four jointly-titled properties as tenants by the entireties.” (R.4717, Opinion at 7.) In addition, this Court held “that the plain language of section 56.29(3)(a) [regarding property owned by a non-debtor] limits its application to personal

property . . . ‘and not to real property.’” (R.4718-19, Opinion at 8-9 (internal citations omitted).) The case was remanded to the trial court. (See R.4720 Opinion at 10.)

On December 20, 2023, the Clampitts filed their own motion for partial summary judgment as to the real properties. (R.4631.) The Clampitts filed another affidavit in support (R.4721-41) and attached their previous affidavits (R.4659-63). The Clampitts argued that exempt property, such as TBE property, is not subject to execution pursuant to the proceedings supplementary statute (R.4637, 4638-39), and that Section 56.29(3) is limited to personal property (R.4637), just as this Court held (*see* Opinion at 8-9 (internal citations omitted)). As a result, Creditor Wick cannot use the proceedings supplementary statute alone to proceed against TBE property or non-debtor real property. (R.4638-41.) Instead, Creditor Wick must file a supplemental complaint pursuant to Chapter 726 (fraudulent transfers) to pursue these real properties. (R.4637-38.)

On March 7, 2024, Creditor Wick filed a response in opposition. (R.4742.) She apparently misunderstood the Clampitts’

arguments and this Court's previous holdings. (R.4744-46; R.4808-09 Tr.9:2-10:4; R.4816-17 Tr.17:24-18:11; R.4818 Tr.19:15-25.) But Creditor Wick does not dispute that, currently, the four real properties are owned as TBE and that Mrs. Clampitt solely owns the fifth. (IB 10.)

On March 13, 2024, the trial court held a hearing on the motion for partial summary judgment. (R.4800.) On April 4, 2024, the trial court entered partial summary judgment in favor of the Clampitts. (R.4762-66.) Creditor Wick appealed. (R.4768-76.)

SUMMARY OF THE ARGUMENT

The trial court correctly entered partial summary judgment in favor of the Clampitts. Pursuant to its plain language, the relevant sections of the proceedings supplementary statute apply to debtor property "not exempt from execution" and to personal property owned by a non-debtor. If a creditor seeks property outside of these categories (such as exempt property or non-debtor real property), the proceedings supplementary statute states the creditor shall file and serve a supplemental complaint for fraudulent transfer.

In the case below, Creditor Wick sought to attach five real properties pursuant to the proceedings supplementary statute only. However, four of the properties are exempt from execution because they are owned as TBE by the Clampitts (as held by this Court in the previous appeal). The fifth real property is owned by Mrs. Clampitt individually, making it non-debtor real property. These facts are undisputed as to the current status of the properties.

Since the four TBE properties are exempt from execution, and the fifth real property is owned by Mrs. Clampitt individually, the proceedings supplementary statute alone does not permit execution. Instead, Creditor Wick must file and serve a supplemental complaint for fraudulent transfer, which she declined to do.

As a result, the trial court correctly entered partial summary judgment in favor of the Clampitts. This Court should affirm.

ARGUMENT

Standard of Review

The standard of review on a motion for summary judgment is de novo. See *Coury v. City of Tampa*, No. 2D2023-2165, 2024 WL

4897974, at *3 (Fla. 2d DCA Nov. 27, 2024). Importantly, however, Florida adopted the federal standard for summary judgment in 2021. *See id.* at *3-*5.

Pursuant to the new standard, a party moving for summary judgment who does not bear the burden of persuasion at trial can easily discharge its burden if there has been adequate time for discovery. *Id.* at *4. The burden is “emphatically ‘not onerous.’” *Id.* A trial court must rule in favor of the moving party and grant summary judgment because “[w]here the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no ‘genuine issue for trial.’” *Matsushita Elec. Indus. Co., Ltd.*, 475 U.S. at 587.

In this case, it does not appear any operative facts are in dispute. Instead, Creditor Wick argues that she should be permitted to use the proceedings supplementary statute (Section 56.29, Florida Statutes) without filing a Chapter 726 supplemental complaint to execute on exempt property and non-debtor real property. This requires a legal interpretation of the proceedings supplementary statute.

I. THE PROCEEDINGS SUPPLEMENTARY STATUTE PROVIDES A CREDITOR WITH REMEDIES - SUBJECT TO ITS PLAIN LANGUAGE.

The proceedings supplementary statute permits a judgment creditor to pursue a debtor's property "not exempt from execution...." Fla. Stat. § 56.29(2). By its plain language, Subsection (2) excludes exempt property. *See id.*; *see also* Fla. Stat. § 56.29(6)(a) (excluding exempt property also). These subsections also exclude non-debtor property. *See id.*

Subsection (3) provides a method to recover non-debtor "personal property" transferred from the debtor to another during a specified time period. *See* Fla. Stat. § 56.29(3)(a). By its plain language, and as this Court has previously held, Subsection (3)(a) excludes real property. *See Clampitt v. Wick*, 320 So. 3d 826, 832 (Fla. 2d DCA 2021) ("The Clampitts argue, and we agree, that the plain language of section 56.29(3)(a) limits its application to personal property."). Subsection (3)(b) includes the same limitation. *See* Fla. Stat. § 56.29(3)(b).

However, Subsection (9) provides a remedy for creditors seeking to execute on exempt property or non-debtor real property transferred during litigation. *See* Fla. Stat. § 56.29(9). It requires

the creditor to file and serve a supplemental complaint and proceed pursuant to Chapter 726 (governing fraudulent transfers), although the action can be heard by the presiding judge in the underlying proceedings supplementary. *See id*; see Fla. Stat. § 726.101. While the Section 56.29 is generally liberally construed, that construction cannot disregard its plain language.

In this case, four real properties are exempt from execution, and the fifth real property is owned by Mrs. Clampitt individually (making it non-debtor property). The proceedings supplementary statute excludes these properties and requires Creditor Wick to file a Chapter 726 supplemental complaint to attempt to execute. *See Fla. Stat. § 56.29(9)*. Creditor Wick has refused to file the supplemental complaint.

A. The proceedings supplementary statute excludes exempt property unless a creditor files a supplemental fraudulent transfer complaint.

According to this Court, “recoverable ‘assets’ do not include ‘[a]n interest in property held in tenancy by the entirety to the extent it is not subject to process by a creditor holding a claim against only one tenant.’ *Clampitt v. Wick*, 320 So. 3d 826, 831 (Fla.

2d DCA 2021) (quoting § 726.102(2)(c), Fla. Stat. (2017)).

Furthermore,

[p]roperty held as a tenancy by the entireties possesses six characteristics: (1) unity of possession (joint ownership and control); (2) unity of interest (the interests in the account must be identical); (3) unity of title (the interests must have originated in the same instrument); (4) unity of time (the interests must have commenced simultaneously); (5) survivorship; and (6) unity of marriage (the parties must be married at the time the property became titled in their joint names).

Clampitt v. Wick, 320 So. 3d 826, 831 (Fla. 2d DCA 2021) (citing *Beal Bank, SSB v. Almand & Assocs.*, 780 So. 2d 45, 52 (Fla. 2001) (footnote omitted)). Here, “Mr. Clampitt created a tenancy by the entireties when he conveyed the property from his sole ownership to Mr. and Mrs. Clampitt jointly.” *Clampitt v. Wick*, 320 So. 3d 826, 831 (Fla. 2d DCA 2021). As a result, in the previous appeal, this Court held that “the trial court erred in determining that the Clampitts did not hold title to the four jointly-titled properties as tenants by the entireties.” *Clampitt v. Wick*, 320 So. 3d 826, 832 (Fla. 2d DCA 2021).

Since Creditor Wick holds the judgment against Mr. Clampitt only, and these four real properties are held as TBE, they are exempt from execution pursuant to the proceedings supplementary statute without the filing of a fraudulent transfer complaint. Creditor Wick has refused to file the supplemental complaint.

B. The proceedings supplementary statute excludes non-debtor real property unless a creditor files a supplemental fraudulent transfer complaint.

Subsection (3)(a) of the proceedings supplementary statute states that:

[w]hen, within 1 year before the service of process on the judgment debtor in the original proceeding or action, the judgment debtor has had title to, or paid the purchase price of, **any personal property** to which the judgment debtor's spouse, any relative, or any person on confidential terms with the judgment debtor claims title and right of possession, the judgment debtor has the burden of proof to establish that such transfer or gift was not made to delay, hinder, or defraud creditors.

Fla. Stat. § 56.29(3)(a) (emphasis added). Similarly, subsection 3(b) states that:

[w]hen any gift, transfer, assignment or other conveyance of **personal property** has been made or contrived by the judgment debtor to delay, hinder, or defraud creditors, the court shall order the gift, transfer, assignment or

other conveyance to be void and direct the sheriff to take the property to satisfy the execution. This does not authorize seizure of property exempted from levy and sale under execution or property which has passed to a bona fide purchaser for value and without notice. Any person aggrieved by the levy or Notice to Appear may proceed under ss. 56.16-56.20.

Fla. Stat. § 56.29(3)(b) (emphasis added).

This Court has previously held that Subsection (3)(a) excludes real property. See *Clampitt v. Wick*, 320 So. 3d 826, 832 (Fla. 2d DCA 2021). This Court held that “[t]he Clampitts argue, and we agree, that the plain language of section 56.29(3)(a) limits its application to personal property.” *Id.* The exact same language limitation exists in subsection (3)(b).

Subsection (3)(b), by its plain language, is also limited to “personal property.” See Fla. Stat. § 56.29(3)(b). “The term ‘personal property’ is most often understood as the opposite of ‘real property.’” *Rosenberg v. U. S. Bank*, 360 So. 3d 795, 804 (Fla. 3d DCA 2023) (analyzing types of personal property to which Subsection (3) applies). As a result, Creditor Wick cannot use subsection (3) to attempt to execute on non-debtor real property,

such as the fifth Colorado property owned by Mrs. Clampitt individually. Creditor Wick could, however, look to Subsection (9) and file a supplemental complaint for fraudulent transfer under Chapter 726. She has refused to do so.

C. The proceedings supplementary statute provides a mechanism for a creditor to pursue exempt property or non-debtor real property: by filing a supplemental fraudulent transfer complaint.

The proceedings supplementary statute, Subsection (9), provides a remedy for creditors seeking to execute on exempt property or non-debtor real property, which is otherwise excluded from the statute. *See Fla. Stat. § 56.29(9)*. That subsection states:

The court may entertain claims concerning the judgment debtor's assets brought under chapter 726 and enter any order or judgment, including a money judgment against any initial or subsequent transferee, in connection therewith, irrespective of whether the transferee has retained the property. Claims under chapter 726 brought under this section shall be initiated by a supplemental complaint and served as provided by the rules of civil procedure, and the claims under the supplemental complaint are subject to chapter 726 and the rules of civil procedure. The clerk of the court shall docket a supplemental proceeding under the same case number assigned to the original complaint filed by the judgment creditor or the case number assigned to a judgment domesticated pursuant

to s. 55.01,1 shall assign a separate supplemental proceeding number, and shall assign such supplemental proceeding to the same division and judge assigned to the main case or domesticated judgment.

Fla. Stat. § 56.29(9). Chapter 726 governs fraudulent transfers. See Fla. Stat. § 726.101.

The Clampitts have asserted that Creditor Wick needed to file a supplemental complaint pursuant to Subsection (9) and proceed under Chapter 726 for the entirety of the proceedings supplementary. (R.3201.) Creditor Wick has refused to do so.

D. The characterization of the real properties at issue determines which subsection of the proceedings supplementary statute applies.

Creditor Wick argues that the current characterization of the property as exempt or non-debtor property is irrelevant. (See IB 12-13.) Instead, she believes the court should determine whether the property was exempt at a previous time in an apparent effort to circumvent the Section's limitations. (See IB 13.) It is unclear how this would apply for non-debtor real property. She provides no valid support for this proposition.

Creditor Wick cites to *Republic Credit Corporation I v. Upshaw*, but that case is quite distinguishable from the case below. See (IB

11); *Rep. Credit Corp. I v. Upshaw*, 10 So. 3d 1103, 1104 (Fla. 4th DCA 2009). Most importantly, in *Republic*, a creditor of solely the husband filed a fraudulent transfer action. *See id.* at 1104, 1105; *see also Rep. Credit Corp. I v. Upshaw*, 2007 WL 9216861 (Fla. Cir. Ct.) (providing the complaint with a claim pursuant to Chapter 726). The *Republic* case was not brought pursuant to the proceedings supplementary statute at all, and is wholly inapplicable. *See id.* Here, Creditor Wick has refused to file a fraudulent transfer action.

Creditor Wick also appears to misunderstand the Clampitts' arguments about the proceedings supplementary statute's limitations. (IB 13-14.) The Clampitts have never argued that the statute as a whole does not apply to real property. Creditor Wick cites to several cases to make this point, but it is not in dispute. (See IB 13-15 (citing *Ryan's Furniture Exch. v. McNair*, 162 So. 483, 485 (Fla. 1935); *McKeown v. Allen*, 20 So. 556, 556 (Fla. 1896); *Wieczoreck v. H & H Builders, Inc.*, 450 So. 2d 867, 868 (Fla. 5th DCA 1984); *Gamez v. First Union Nat'l Bank of Florida*, 31 So. 3d

220, 221 (Fla. 4th DCA 2010); *Zureikat v. Shaibani*, 944 So. 2d 1019, 1023 (Fla. 5th DCA 2006).)

Instead, certain subsections exclude real property or have other limitations. Specifically, Subsection (3) for non-debtor property applies to personal property only by its plain language. See *Clampitt v. Wick*, 320 So. 3d 826, 832 (Fla. 2d DCA 2021); Fla. Stat. § 56.29(3). In addition, Subsections (2) and (6) are limited to non-exempt property, real or personal, by their plain language. See Fla. Stat. § 56.29(2), (6) (describing “any property of the judgment debtor not exempt from execution”).

However, these types of properties are not completely beyond the reach of a creditor. If a creditor wants to pursue property that does not fit into those categories (such as exempt property or non-debtor real property), then the creditor may turn to Subsection (9), which requires the filing of a supplemental complaint using Chapter 726 for fraudulent transfers. See Fla. Stat. § 56.29(9). Creditor Wick has refused to file the supplemental complaint.

II. NO APPLICABLE EXCEPTION PERMITS CIRCUMVENTION OF THE PROCEEDINGS SUPPLEMENTARY STATUTE'S PLAIN LANGUAGE.

Creditor Wick argues that she is not required to file a supplemental complaint under Chapter 726 because Subsection (9) uses permissive language. See IB 17-18. She misconstrues the statute.

Creditor Wick is not required to do anything. But she cannot pursue exempt property pursuant to Subsections (2) or (6), and she cannot pursue non-debtor real property pursuant to Subsection (3), without filing a supplemental complaint. See Fla. Stat. § 56.29(2), (3), (6). This is due to the limitations in the plain language of those subsections. See *id.*; see *supra* Section I.

In addition, Subsection (9) does use permissive language – for the trial court, not the creditor. It states that “[t]he court may entertain claims concerning the judgment debtor's assets brought under chapter 726 and enter any order or judgment, including a money judgment against any initial or subsequent transferee, in connection therewith, irrespective of whether the transferee has retained the property.” Fla. Stat. § 56.29(9) (emphasis added). But for the creditor, Subsection (9) goes on to say that “[c]laims under

chapter 726 brought under this section **shall** be initiated by a supplemental complaint and served as provided by the rules of civil procedure, and the claims under the supplemental complaint are subject to chapter 726 and the rules of civil procedure.” *Id.*

Creditor Wick cites to *Rosenberg v. U.S. Bank* (IB 18), but nothing in that case supports circumventing the plain language of the proceedings supplementary statute. See *Rosenberg v. U. S. Bank*, 360 So. 3d 795, 804 (Fla. 3d DCA 2023). Notably, non-debtor **personal** property was at issue in *Rosenberg*. See *id.* at 788, 804. The *Rosenberg* court noted that Subsection (3) applied to personal property, which was “the opposite of ‘real property.’” *Id.* The reverse occurred here. Because non-debtor **real** property is at issue, Subsection (3) does **not** apply.

Creditor Wick cites to several other cases that are simply inapplicable. For example, in *Regent Bank v. Woodcox*, the only issue involved the procedure for impleading a third party. *Regent Bank v. Woodcox*, 636 So. 2d 885, 886 (Fla. 4th DCA 1994) (declining to require the creditor to file a separate action to implead a third party). *Richard v. McNair* is a case from 1935 that involved

personal property, not real property, in a prior version of the proceedings supplementary statute's current Subsection (3). See *Richard v. McNair*, 164 So. 836, 840 (Fla. 1935); Fla. Stat. 56.29(3). In addition, *381651 Alberta v. 279298 Alberta* was a fraudulent transfer case pursuant to Chapter 726, and the only issue addressed was whether to permit a jury trial. See *381651 Alberta, Ltd. v. 279298 Alberta, Ltd.*, 675 So. 2d 1385, 1387, 1390 (Pariente, J., concurring) (Fla. 4th DCA 1996). The Court in *Advertects Inc. v. Sawyer* addressed piercing the corporate veil and provided no relevant holding. See *Advertects Inc. v. Sawyer*, 84 So. 2d 21, 23 (Fla. 1955).

Finally, this Court issued a per curiam affirmance in one of the previous appeals between the parties involving personal property. (See 2D17-819.) A per curiam affirmance provides no precedential authority. See *Dep't of Legal Affairs v. Dist. Court of Appeal, 5th Dist.*, 434 So. 2d 310, 311, 312 (Fla. 1983). Creditor Wick's reliance on this is misplaced. (See IB 21.)

III. ANY ARGUMENT OR ISSUE NOT RAISED BELOW IS WAIVED.

Finally, Creditor Wick raises a new argument that Mrs. Clampitt accepted her interests in the real properties subject to an equitable lien. (See IB 21.) Since this argument was not made below, it is waived. See *Aills v. Boemi*, 29 So. 3d 1105, 1108-9 (Fla. 2010); see also *Sunset Harbour Condo. Ass'n v. Robbins*, 914 So. 2d 925, 928 (Fla. 2005). In any event, the case cited by Creditor Wick addresses the priority of creditors, not the requirement of Section 56.29(9) for a creditor to file a supplemental complaint for fraudulent transfer to execute on otherwise excluded property. See *Salina Mfg. Co. v. Diner's Club, Inc.*, 382 So. 2d 1309, 1310 (Fla. 3d DCA 1980).

CONCLUSION

In conclusion, the trial court properly entered partial summary judgment in favor of the Clampitts. Four of the real properties at issue were exempt from execution because they were held as tenants by the entirety. The fifth was non-debtor real property, so not subject to execution under Section 56.29(3). The way to overcome these hurdles would be to file a supplemental complaint

for fraudulent transfer, which Creditor Wick has refused to do. As a result, the Clampitts respectfully ask this Court to affirm.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 16, 2024, pursuant to Fla. R. Jud. A. 2.516(b)(1), a true and correct copy of the foregoing document has been electronically filed and served using the Florida Courts e-filing Portal and e-Service System to:

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CERTIFICATE OF COMPLIANCE WITH FONT STANDARDS

I HEREBY CERTIFY that this document complies with the font standards required by Florida Rule of Appellate Procedure 9.210 for computer-generated documents on December 16, 2024.

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