

Third District Court of Appeal

State of Florida

Opinion filed December 16, 2015.
Not final until disposition of timely filed motion for rehearing.

No. 3D15-591
Lower Tribunal No. 10-26709

Thomas Wells,
Appellant,

vs.

**Lois Sacks, as Trustee for the Lois N. Sacks Revocable Living Trust
etc., et al.,**
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Jerald Bagley,
Judge.

Polenberg Cooper and Jon Polenberg, Jude C. Cooper and Mark Nichols
(Fort Lauderdale), for appellant.

Marshall Socarras Grant and J. Andrew Fine (Boca Raton), for appellee Lois
Sacks.

Before ROTHENBERG, EMAS and FERNANDEZ, JJ.

PER CURIAM.

Thomas Wells appeals the trial court's order which, following a final evidentiary hearing, granted Appellee Lois Sacks' motion for involuntary dismissal of Wells' Request for Relief in Proceedings Supplementary. Upon our *de novo* review, see Maggolc, Inc. v. Roberson, 116 So. 3d 556 (Fla. 3d DCA 2013); Slauddin v. Bank of America, N.A., 150 So. 3d 1189 (Fla. 4th DCA 2014), we hold that the trial court properly entered an order of involuntary dismissal, as Wells failed to establish a prima facie case, pursuant to section 56.29(6)(a), Florida Statutes (2010), that Robert Sacks held title to the personal property in the trust, and that the removal of Robert Sacks as an alternate co-trustee constituted a transfer. Cf. Treated Timber Products, Inc., v. S & A Assoc., Inc., 488 So. 2d 159 (Fla. 1st DCA 1986). We find the other issues raised by Wells to be without merit.

Affirmed.