

Third District Court of Appeal

State of Florida

Opinion filed October 14, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1905
Lower Tribunal No. 18-33-M

Robert Tittle,
Appellant,

vs.

Montgomery Dahm,
Appellee.

An appeal from the Circuit Court for Monroe County, Mark H. Jones, Judge.

James J. Dorl, P.A., and James J. Dorl, for appellant.

Law Offices of David W. Evoy, P.L., and David W. Evoy (Coconut Creek),
for appellee.

Before SCALES, HENDON, and MILLER, JJ.

MILLER, J.

Appellant, Robert Tittle, seeks review of a lower court order denying his petition for the administration of a will, grounded upon a finding of undue influence. We conclude the factors delineated in In re Carpenter's Estate, 253 So. 2d 697, 702 (Fla. 1971), are not exhaustive, but merely illustrative, designed to “aid trial judges in looking for those warning signals pointing to active procurement of a will by beneficiary.” See Blinn v. Carlman, 159 So. 3d 390, 391 (Fla. 4th DCA 2015); Pate v. Mellen, 275 So. 2d 562, 565 (Fla. 1st DCA 1972). Accordingly, and honoring the “trial court’s superior vantage point in assessing the credibility of witnesses” and resolving factual disputes, we decline to disturb the judicious and measured conclusion rendered below. Porter v. State, 788 So. 2d 917, 923 (Fla. 2001); see In re Krieger's Estate, 88 So. 2d 497, 498 (Fla. 1956); Coppock v. Carlson, 547 So. 2d 946, 946-47 (Fla. 3d DCA 1989); In re Lamberson's Estate, 407 So. 2d 358, 362 (Fla. 5th DCA 1981); see also Peacock v. Du Bois, 90 Fla. 162, 166, 105 So. 321, 322 (Fla. 1925).

Affirmed.