

Third District Court of Appeal

State of Florida

Opinion filed October 27, 2021.
Not final until disposition of timely filed motion for rehearing.

Nos. 3D20-1501 and 3D20-1502
Lower Tribunal Nos. 14-4101, 14-4787

Macy Katherine Betzold Wheelock, etc.,
Appellant,

vs.

In re: Guardianship of Yvonne Betzold,
Appellee.

Appeals from the Circuit Court for Miami-Dade County, Yvonne Colodny, Judge.

Law Offices of Roy R. Lustig, P.A., and Roy R. Lustig; Law Offices of Joy Maxwell Carr, and Joy Maxwell Carr, for appellant.

Joyce Law, P.A., and Richard F. Joyce, for appellee.

Before FERNANDEZ, C.J., and LINDSEY, and BOKOR, JJ.

PER CURIAM.

Appellant Macy Katherine Betzold Wheelock appeals the circuit court's order granting attorney's fees in favor of Appellee the Guardianship Estate under section 744.108, Florida Statutes (2021).

Wheelock challenges the court's order on two grounds. First, she argues that the Guardianship Estate is not entitled to attorney's fees for any appellate work because it did not obtain approval to defend appeals as required by section 744.441. Second, she argues that the court's order is deficient because it did not address objections raised during the evidentiary hearing or make specific findings to support the reasonableness of the amount awarded.

We affirm without further discussion on the issue of entitlement, but reverse and remand the amount of fees awarded. To determine the reasonableness of the amount, the court must be guided by section 744.108(2). See Jones v. Dunning, 661 So. 2d 941, 942 (Fla. 5th DCA 1995) ("In order to provide for meaningful appellate review the order awarding fees . . . should specifically set out the record basis for the award . . .").

Affirmed in part, reversed in part, and remanded.