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IN THE SUPREME COURT OF FLORIDA
CASE NO. 65,181

ADRIANA BACARDI, :
 :
 Petitioner, :
 :
 vs. : RESPONDENT R.B. WHITE'S BRIEF
 : IN OPPOSITION TO JURISDICTION
 ROBERT B. WHITE, Trustee, :
 and LUIS FACUNDO BACARDI, :
 :
 Respondents. :
 _____ :

I.

INTRODUCTION

Respondent R.B. White submits this Brief in opposition to Petitioner's Brief in Support of Jurisdiction. The decision of the Third District Court of Appeals, in our view, expressly follows established precedent and can be factually distinguished from Gilbert v. Gilbert ___ So. 2d. ___ (Fla. 2d DCA 1984) 9 FLW 290.

II.

The Third District Court of Appeals decision in White v. Bacardi conforms to this Court's decision in Waterbury v. Munn 159 Fla. 754, 32 So. 2d 603 (1947) which upholds the validity of spendthrift trusts in this state. Until the Gilbert decision was rendered earlier this year, there were no published decisions which permitted an invasion of a spendthrift trust.

The Third District Court of Appeals quite correctly recognized that no "special" or "exceptional" circumstances were presented

in White v. Bacardi which might possibly defeat the clear purpose of a spendthrift trust. 9FLW259 fn. 7 and 8. In essence, this case arose from a short-lived marriage between two persons who made a contract and later assumed the relationship of debtor and creditor. As regard the trust, there is simply no reason to give any special status to Mrs. Bacardi's position as opposed to any other creditor (we know of none) which the beneficiary may have.

The Gilbert case may present facts whereby the Court may wish to consider a prospective exception to the Waterbury rule. There it appears that the wife is a multiple sclerosis victim and her former husband has stopped paying her medical expenses. When a wife is likely to become a ward of the state, this Court may wish to consider adjusting ordinary creditor restraints. No such decision could be reached from a consideration of the White v. Bacardi facts.

Respectfully submitted,

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III.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petitioner's Brief in Support of Jurisdiction and Appendix thereto was served by mail upon Roger D. Haagenson, Esquire, 601 Cumberland Building, 800 East Broward Boulevard, Ft. Lauderdale, Florida 33301 and Joe N. Unger, P.A., 606 Concord Building, 66 West Flagler Street, Miami, Florida 33130, this 8th day of May, 1984.

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