

IN THE SUPREME COURT OF FLORIDA

JANUARY TERM, A. D. 1953

DIVISION A

IN THE MATTER OF THE ESTATE
OF EDWIN EASTER HASKIN,

Deceased.

ALICE LITTIG HASKIN, also known
as ALICE LITTIG SIEMS,

Appellant,

-vs-

WALTER E. HASKIN, individually
and as Administrator of the
Estate of Edwin Easter Haskin,
deceased, and LORAINÉ HASKIN
EVANS,

Appellees.

Case No. 23-509

Opinion filed February 24, 1953

An Appeal from the Circuit Court for Palm Beach County, C.E.
Chillingworth, Judge

Peter J. Cunningham, for Appellant

Coleman & Cook, Williamson, Gunster & Baugher, Cleary Gottlieb,
Friendly & Hamilton (New York City, N.Y.) and Donithen, Michael
& Davis (Marion, Ohio), for Appellees

TERRELL, J.

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Edwin Easter Haskin, a resident of Palm Beach County, died
October 23, 1949. On petition of his surviving brother and
sister, J. K. Williams and George W. Coleman were appointed
administrators of his estate. Notice to creditors was given
and appellant filed claim to the entire estate on the theory
that during his lifetime, for a valuable consideration, de-
ceased agreed to make a will naming her his sole beneficiary.
The administrators petitioned the court to determine the bene-
ficiaries pursuant to Section 734.25, Florida Statutes 1949.

On final hearing the probate judge entered the following order:

"3. That the respondent Alice Littig Siems has no valid claim against the estate of the Decedent, said respondent is not a beneficiary of the estate of Decedent and said respondent is not entitled to any distribution of all or any part of the assets left by the Decedent.

4. That the Decedent's sister, Loraine Haskin Evans and his brother, Walter E. Haskin, are the only heirs at law and next of kin of Decedent and the only beneficiaries of the estate of Decedent
* * *"

Said order was affirmed by the Circuit Court and the judgment of the Circuit Court was, on appeal, affirmed by this Court. In Re Estate of Haskins (Fla.) 56 So. (2d) 773, hereinafter referred to as the first Judgment.

March 30, 1952, appellant instituted this proceeding in the Circuit Court, praying for declaratory decree to determine that plaintiff Alice Littig Siems Haskin was the wife of Edwin E. Haskin at the time of his decease. The administrators answered, denying the material allegations of the petition and moved for summary judgment. At hearing on the latter motion, the Court dismissed the complaint with prejudice and held that the Probate Court had sole jurisdiction. Appellant then moved to revoke order for appointment of administrators. The Probate Court dismissed the petition with prejudice. This order was, on appeal, affirmed by the Circuit Court and will hereinafter be referred to as the second judgment, from which we are confronted with an appeal.

The real point for determination is whether or not the first judgment is res adjudicata as to the point raised in the present appeal.

We think the question is concluded by Knabb vs. Dunner, et al, 143 Fla. 92, 196 So. 456, wherein we held that a judgment on the merits, rendered in a former suit between the same parties or their privies on the same cause of action by a court of competent jurisdiction, operates as an estoppel, not only as to every matter

which was offered and received to sustain or defeat the claim, but as to every other matter which might with propriety have been litigated and determined in that action. See also Caldwell vs. Massachusetts Bonding & Insurance Co., (Fla.) 29 So. (2d) 694; Wolfson vs. Rubin et ux, (Fla.) 52 So. (2d) 344.

The first judgment held that the brother and sister of deceased were entitled to his estate; that appellant had no valid claim to it whatever. In the present suit she claims said estate as the common law wife of deceased but the facts to establish her claim are no different from what they were or could have been in the first case. In fact, nothing is presented in the second case that might not have been properly presented and settled in the first case.

The judgment is affirmed on authority of the cases cited.

Affirmed.

HOBSON, C.J., SEBRING and MATHEWS, J.J., concur