

IN THE SUPREME COURT OF FLORIDA

CASE NO.: SC2024-1256

LINDA LOUMPOUS,
Petitioner,

v.

DOVE INVESTMENT CORP, ET AL
Respondent(s).

**ON DISCRETIONARY REVIEW FROM THE
DISTRICT COURT OF APPEAL, SECOND DISTRICT OF FLORIDA
Lower Tribunal Case Nos. 2D2022-3908;
522003SC002144XXSCSC**

**RESPONDENT DOVE INVESTMENT CORP'S
BRIEF ON JURISDICTION**

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STATEMENT OF THE ISSUES

In addition to those issues indicated in Petitioner’s Brief on Jurisdiction, the Court will be asked to determine whether the required “unities” for ownership of an entireties bank account must be present when a bank account is opened, for such account to be considered owned as tenants by the entireties. Thus, an inquiry beyond the face of a signature card is required to ensure the necessary unities were present when such bank account is opened. The Court will be further asked to determine whether §655.79(1) abrogated the common law requirements for ownership of an entireties bank account. Lastly, whether the common law may be abrogated by Statute or Opinion without expressly and clearly stating so.

STATEMENT OF THE CASE AND THE FACTS

Petitioner generally recited the facts from the Second District’s Opinion which has been brought before this Court for review. Respondent generally concurs that the facts in the present action are substantially similar to those in the matter of *Versace v. Urufen*, 348 So.3d 610 (Fla. 4th 2022).

In short, a judgment creditor sought garnishment of a bank account jointly owned by a judgment debtor and a non-debtor spouse. That the subject bank account was originally opened by the non-debtor spouse, who added the judgment debtor, as an owner, after the account had been opened. In the instant matter, the trial Court ruled that such account could not be an entireties account for want of the unities of time and title. Petitioner appealed the ruling, which was affirmed by the Second District, adding that §655.79 Fla. Stat. did not abrogate the common law unities required for entireties ownership of a bank account. In its Opinion, the Second District expressly certified conflict with *Versace*.

ARGUMENT

I. RESPONDENT AGREES THIS COURT HAS DISCRETIONAL JURISDICTION TO REVIEW THE INSTANT MATTER.

Article V, section 3(b)(3) of the Florida Constitution gives the Court jurisdiction to review “any decision of a district court of appeal that . . . expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.” See also Fla. R. App. P. 9.030(a)(2)(A)(iv). This Court has previously expressed that its jurisdiction, “requires either

the announcement of a conflicting rule of law or the application of a rule of law in a manner that results in a conflicting outcome despite substantially the same controlling facts.” *Kartsonis v. State*, 319 So.3d 622, 623 (Fla. 2021)(citing *Nielson v. City of Sarasota*, 117 So.2d 731,734 (Fla. 1960). See also, *Mancini v. State*, 312 So.2d 732 (Fla. 1975).

As stated above, Respondent agrees the pertinent facts presented in the instant matter are substantially similar to those presented in *Versace*. Additionally, in its Opinion, the Second District Court of Appeal expressly certified a conflict with the *Versace* Opinion from the Fourth District Court of Appeal.

In addition to the conflict expressed by the Second District Court of Appeal, there are other grounds why this Court should exercise jurisdiction. The conflict between the Second and Fourth District Courts of Appeal leaves the state of the law in disarray concerning ownership and attachment to bank accounts jointly owned by spouses. The Second District Court of Appeal’s Opinion correctly applies the pertinent authority concerning joint ownership of a bank account as tenants by the entirety. This is an issue that

has and/or will be brought before other courts at both the trial and appellate levels.

Based on the similarities between to the two conflicting matters, and the Second District Court of Appeal's express certification of conflict, the Court's jurisdiction has been properly invoked, and should be accepted for review.

CONCLUSION

Based on the similarities between the facts of the instant matter and those presented in *Versace*, as well as the Second District Court of Appeals' direct expression of conflict with the Fourth District Court of Appeals, Respondent agrees this Court has discretionary jurisdiction to accept the instant matter for review.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this brief is written in 14 point "Bookman Old Style" font, contains 989 words, and is otherwise in compliance with 9.210 Fla. R. App. P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 7, 2024, copies of the foregoing was electronically filed with the Clerk of the Supreme Court through the Florida Courts' E-Filing Portal. I also certify that the foregoing document is being served this day via US Mail and/or E-Mail on all parties of record as follows:

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