

Supreme Court of Florida

No. SC2023-1677

IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE – 2023 LEGISLATION.

July 11, 2024

PER CURIAM.

The Florida Bar’s Civil Procedure Rules Committee has filed a report proposing the adoption of new form 1.925 (Complaint to Quiet Title).¹

The proposal is in response to the enactment of section 65.091, Florida Statutes (2023), which established the right to a summary procedure in actions to quiet title based on a fraudulent attempted conveyance allegation and went into effect on July 1, 2023. *See* ch. 2023-238, §§ 3, 6, Laws of Fla. The Committee and the Board of Governors approved the proposed new form. The

1. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; *see also* Fla. R. Gen. Prac. & Jud. Admin. 2.140(e).

Court published the proposal for comment. No comments were received.

Having considered the Committee's report, we adopt new form 1.925 as proposed by the Committee. New form 1.925 is a simplified form for the filing of a complaint to quiet title based on a fraudulent attempted conveyance allegation.

Accordingly, new form 1.925 is adopted as reflected in the appendix to this opinion. New language is indicated by underscoring. The new form shall become effective immediately upon the release of this opinion.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Civil Procedure

Cosme Caballero, Chair, Civil Procedure Rules Committee, Miami, Florida; Judson Lee Cohen, Past Chair, Civil Procedure Rules Committee, Miami Lakes, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Heather Savage Telfer, Bar Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

FORM 1.925. COMPLAINT TO QUIET TITLE

COMPLAINT TO QUIET TITLE
BASED ON FRAUDULENT CONVEYANCE
UNDER SECTION 65.091, FLORIDA STATUTES

The plaintiff(s), _____, sue(s) defendant(s), _____, defendant's unknown spouse, heirs, devisees, grantees, judgment creditors, and all other parties claiming by, through, under, or against defendants or parties or claiming to have any right, title, or interest in the property described in this complaint, and alleges:

(1) This is an action to quiet and confirm title of plaintiff in and to lands located in _____ County, Florida.

(2) Plaintiff owns the following real property:

(3) Plaintiff shows entitlement to (deraigns) title as follows (must show chain of title for at least the past 7 years):

Plaintiff obtained ownership by deed or instrument dated _____, recorded on _____, in official records book _____, page _____ of the public records of _____ County, Florida. The property description in that deed is as follows:

(4) The deed or instrument purported to have been signed by plaintiff(s), or purporting to convey the property to defendant(s), dated _____, recorded _____, in official records book _____, page _____

_____ of the public records of _____ County, Florida, is
fraudulent.

(5) Plaintiff did not execute the deed and has not conveyed the property to any person since obtaining the conveyance(s) described in paragraph (3).

(6) The deed or instrument described in paragraph (4) did not convey title to defendant because the grantor had no title, but the recording of the deed casts a cloud on plaintiff's title.

WHEREFORE, the plaintiff(s) respectfully request (requests) the court to enter an order to quiet title in and award the plaintiff(s) with the same title and rights to the land that the plaintiff enjoyed before the attempted conveyance.

Date: _____

Plaintiff

Address

City, State, Zip Code

Phone

E-mail address

(Include signature for each Plaintiff)