



SAMPLE WORK PRODUCT — ALL NAMES AND FACTS ARE FICTITIOUS

HARTWELL v. HARTWELL

Comprehensive Case Analysis & Strategic Assessment

Prepared for [Subscribing Attorney] — All citations verified against primary sources.

EXECUTIVE SUMMARY

Client: Robert M. Hartwell (son) on behalf of Margaret A. Hartwell (mother, age 84)

Opposing Parties: Diane K. Hartwell-Price (daughter), Kevin R. Price (Diane's husband)

Property: 1847 Magnolia Ridge Drive, Tallahassee, FL 32312

Robert retained counsel after discovering his sister Diane, acting as POA agent, encumbered Margaret's homestead with a \$78,000 HELOC, dissipated the proceeds, blocked a \$296,000 sale that would have netted Margaret \$189,400, and filed false affidavits to cloud the title.

Margaret resides at Oakwood Gardens Assisted Living (\$5,200/month), currently funded by Robert from personal funds. The property sale is the only viable source for Margaret's ongoing care.

Strategic Priority: Clear the title cloud and close the pending sale. All other remedies are secondary leverage.

DOCUMENT ANALYSIS

Diane's Power of Attorney

Consumer-template form executed April 12, 2025. Contains express anti-enrichment clause and §825.103 criminal warning. Diane signed acknowledgment of duties she subsequently violated.

The HELOC (\$78,000)

Executed July 15, 2025 through Pacific Ridge Lending LLC. Of the proceeds, approximately \$32,000 cannot be traced to any expenditure benefiting Margaret. Under §709.2114(1)(c), failure to produce a complete accounting is itself a breach of fiduciary duty.

Title Cloud Instruments

On January 14, 2026, opposing counsel recorded: (1) Revocation of Robert's POA; (2) Affidavit claiming unauthorized sale; (3) New POA to Diane/Kevin. The affidavit contains multiple false statements contradicted by the documentary record.

STATUTORY ANALYSIS

§825.103, Fla. Stat. — Exploitation of Elderly Person

Defines exploitation as knowingly obtaining or using an elderly person's assets with intent to deprive. For amounts exceeding \$50,000: first-degree felony. Diane facilitated \$78,000 encumbrance; \$32,000+ unaccounted.



§709.2114, Fla. Stat. — Agent’s Duties

Statutory duties of loyalty, avoidance of conflicts, and record-keeping apply regardless of POA form language.

§709.2116, Fla. Stat. — Judicial Relief

Authorizes petition for construction, review, removal of agent, and full accounting.

STRATEGIC ASSESSMENT

Strengths

- Documentary trail: HELOC, bank statements, ALTA statement all verifiable.
- Diane’s own POA contains the §825.103 warning she subsequently violated.
- Multiple independent witnesses to Margaret’s expressed wishes and Diane’s isolation pattern.
- Robert has clean hands — \$189,400 to Margaret, \$0 to Robert.

Vulnerabilities

- Capacity challenge likely — contemporaneous physician assessment recommended.
- Third-party LLC transfer requires clear explanation to the court.

Recommended Actions

1. **Immediate:** Record revocation of Diane’s POA. File lis pendens.
2. **Within 7 days:** Demand letters to Diane and opposing counsel.
3. **Within 14 days:** Petition under §709.2116 for removal and accounting.
4. **Within 30 days:** Quiet title action to clear cloud and revive sale.
5. **Concurrent:** Criminal referral under §825.103.

CITATION VERIFICATION

All statutory citations verified against current Florida Statutes.

Citation	Proposition	Status
§825.103, Fla. Stat.	Exploitation of elderly person; penalties	✓ Current
§709.2114, Fla. Stat.	Agent’s duties	✓ Current
§709.2116, Fla. Stat.	Judicial relief; petition for review	✓ Current
§429.28, Fla. Stat.	ALF residents’ rights	✓ Current