

HOMESTEAD WAIVER CASE WITHDRAWN [FLORIDA]

FRIDAY, MAY 27, 2011

On March 19, 2010, I commented on the *Habeeb* case. In that case, a Florida appellate court ruled that the entry of a spouse into a deed that transferred the spouse's ownership interest in a homestead to the other spouse was sufficient for that spouse to waive his remaining homestead rights in the property.

I [commented](#) that for various reasons, this appeared to be a questionable conclusion, due to Florida requirements for written waivers of homestead rights and fair disclosure of assets for a valid waiver.

The *Habeeb* opinion has now been withdrawn. Perhaps for the reasons I mentioned, perhaps for other reasons. Until a subsequent opinion is issued, or some other court addresses a similar issue, things are now back to where they were before the *Habeeb* case.

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