

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

DENNIS DORN,
Appellant,

v.

KATHERINE HATWOOD, as personal representative of the
ESTATE OF MARJORIE CAROL DORN,
Appellee.

No. 4D2025-0261

[February 18, 2026]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit,
Martin County; Michael J. McNicholas, Judge; L.T. Case No.
432022CP000560.

Timothy T. Patykula of Lighthouse Law Firm, P.A., Jupiter, for
appellant.

Anthony D. George, Jr. of Anthony D. George, Jr., P.A., Stuart, for
appellee.

PER CURIAM.

Dennis Dorn appeals the circuit court's order assessing costs and
attorneys' fees. Dorn raises two issues on appeal. On one issue, we
reverse. On the other issue, we affirm without discussion.

Dorn argues, and the personal representative acknowledges, that the
circuit court incorrectly included \$48,986.40 as part of a claim of lien
pursuant to section 733.608, Florida Statutes (2025), instead of section
733.106, Florida Statutes (2025).

Section 733.608(3) provides that a personal representative—who
“expends funds or incurs obligations to preserve, maintain, insure or
protect” the Homestead—may secure a lien on the “protected homestead.”
In *Herrilka v. Yates*, 13 So. 3d 122, 123 (Fla. 4th DCA 2009), we explained
that legal fees incurred in the administration of the estate as a whole did
not fall under section 733.608.

Here, the personal representative acknowledges that section 733.608 “does not apply to the \$48,986.40,” and the circuit court had incorrectly included the sum as part of the claim of lien. The personal representative explains that she sought those costs under section 733.106.

As such, we reverse the circuit court’s inclusion of the \$48,986.40 as part of the claim of lien pursuant to section 733.608, and remand to allow the circuit court to clarify the statutory section attributable to the award.

Affirmed in part, reversed in part, and remanded.

KUNTZ, C.J., CIKLIN and SHAW, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.