

Third District Court of Appeal

State of Florida

Opinion filed September 9, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-2373
Lower Tribunal No. 23-6055-CP-02

Alkawanna S. Kelley, et al.,
Appellants,

vs.

William M. Kelley, II,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto, Judge.

Alkawanna S. Kelley and Altramese D. Kelley, in proper persons.

No appearance, for appellee.

Before FERNANDEZ, GORDO and REBULL, JJ.

GORDO, J.

The Kelley sisters¹ appeal the entry of a final order of discharge entered in favor of their brother. We have jurisdiction. See Fla. R. App. P. 9.030(b)(1)(A). The sisters argue on appeal that the trial court erred in entering the order of discharge while contested matters remained pending and unresolved.

The sisters concede, however, that the trial court held a hearing where it considered the very matters the sisters now contend are pending and unresolved. Following the hearing, the court entered the appealed order finding that the estate was fully administered, no unresolved matter remained pending and discharged the brother as personal representative—closing the estate. See § 733.901, Fla. Stat. (“After administration has been completed, the personal representative shall be discharged”); Conger’s Estate v. Conger, 414 So. 2d 230, 233 (Fla. 3d DCA 1982) (“An order of the probate court arrives in the appellate court clothed with the presumption of its correctness and will be affirmed if it can be supported on any theory. The findings of a probate court are entitled to the same weight as the findings of any other trier of fact. The burden is on the appellant to show that the findings and order of the probate court are clearly erroneous.” (internal

¹ Alkawanna S. Kelley and Altramese D. Kelley.

citations omitted) (quoting Beck v. Beck, 383 So. 2d 268, 272 (Fla. 3d DCA 1980))).

Fatal to the sisters' arguments on appeal is their failure to provide this Court with a transcript of the discharge hearing. As the discharge order is not fundamentally erroneous on its face, we are constrained to affirm. See Hutchison v. Blanco, 423 So. 3d 981, 983 (Fla. 3d DCA 2025) ("Nevertheless, the record on appeal contains no transcript of the trial. And while [Appellant] did file with this court a 'Statement of Evidence or Proceedings,' there is nothing to indicate that this Statement was approved by the lower tribunal. Based on our standard of review, and in the absence of a trial transcript or approved statement of the evidence or proceedings, [Appellant] cannot sustain his burden of establishing that the trial court committed reversible error in its rulings during the trial or its factual findings in the final judgment. In light of this and finding no plain error on the face of the judgment, we must affirm." (internal citations omitted)); Coleman v. Horn, 422 So. 3d 730, 732–33 (Fla. 3d DCA 2025) ("Notably, the record on appeal contains neither a transcript of the evidentiary hearing nor a settled and approved statement of the evidence under Florida Rule of Appellate Procedure 9.200(b)(5). . . . Given the lack of a transcript of the testimony at the evidentiary hearing or a statement of the evidence settled and approved

by the trial court under rule 9.200(b)(5), and discerning no fundamental error on the face of the order, we must assume that the trial court's determination. . . was correct."); Zarate v. Deutsche Bank Nat. Tr. Co. as Tr., 81 So. 3d 556, 558 (Fla. 3d DCA 2012) ("Where there is no record of the testimony of witnesses or of evidentiary rulings, and where a statement of the record has not been prepared. . . a judgment which is not fundamentally erroneous on its face must be affirmed."); Edman v. Edman, 407 So. 3d 452, 454–55 (Fla. 4th DCA 2025) ("[Appellant's] submitted statement of the evidence was not approved by the trial court—a requirement of the rule. Therefore, we must reject the statement of the evidence for failure to comply with [rule 9.200(b)(4)]." (internal citation omitted)).

Affirmed.