

Third District Court of Appeal

State of Florida

Opinion filed March 25, 2026.

Not final until disposition of timely filed motion for rehearing.

No. 3D25-0813

Lower Tribunal No. 23-7605-MH-02

Jorge J. Miguel, Jr.,
Appellant,

vs.

In re: Sonia Miguel, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Jose L. Fernandez, Judge.

Paul M. Cowan & Associates, P.A., and Paul M. Cowan, and Manuel A. Celaya, for appellant.

Dieguez & Associates, PLLC, and Anthony Dieguez, and Rebekah E. Guerrero, for appellees.

Before SCALES, C.J., and LOGUE, and MILLER, JJ.

MILLER, J.

Appellant, Jorge J. Miguel, Jr., appeals from a nonfinal order sustaining objections to the proposed less restrictive alternative and rejecting a preneed guardian designation. The challenged order followed on the heels of an order adjudicating Sonia Miguel incapacitated and appointing Daniel Miguel and Isabelina Miguel as temporary emergency guardians. The primary issue on appeal is whether the trial court erred in expressly rejecting the preneed guardian designation, along with a host of other documents, as the product of undue influence.

Given our deferential standard of review, we decline the invitation to disturb the factual findings, which were carefully tethered to credibility determinations, or the ultimate conclusion. See Davis v. King, 686 So. 2d 763, 764–765 (Fla. 5th DCA 1997) (court was within its discretion to reject preneed guardian where there was evidence of conflict of interest); see also Silva v. Silva, 394 So. 3d 1235, 1238 (Fla. 3d DCA 2024) (“It is axiomatic that the trial court enjoys broad discretion in selecting a guardian.”); Morris v. Knight, 1 So. 3d 1236, 1238 (Fla. 4th DCA 2009) (“The appointment of guardian is a discretionary act of the trial court, which must be supported by logic and justification and founded on substantial competent evidence.”).

But we nonetheless write to clarify that the broader conditional findings that the court “would void” all documents, including the trust, should not be

construed as binding the parties for any purpose beyond adjudicating the discrete issue of less restrictive alternative. This must be the case because the trustee was not formally joined, the pleadings did not frame the broader issue of the viability of the remaining documents, and any proceeding to invalidate the trust must comply with chapter 736, Florida Statutes. See Demircan v. Mikhaylov, 306 So. 3d 142, 146 (Fla. 3d DCA 2020) (holding that “indispensable parties to a trust action . . . are the trustee, the settlor and the beneficiaries”); Beekhuis v. Morris, 89 So. 3d 1114, 1116 (Fla. 4th DCA 2012) (determining that a court lacks jurisdiction over “trust property and [appellant], in her capacity as trustee, when the original pleadings never raised any claim over the trust or its property”); see also Schlesinger v. Jacob, 240 So. 3d 75, 77 (Fla. 3d DCA 2018) (recognizing a trial court’s finding that “there was no less restrictive alternative to plenary guardianship that would ‘sufficiently address the problems and needs of the Ward’”); Jasser v. Saadeh, 97 So. 3d 241, 247 (Fla. 4th DCA 2012) (affirming trial court’s finding that there was “no need for a least restrictive alternative” in a guardianship proceeding).

Affirmed.