# Third District Court of Appeal

State of Florida

Opinion filed November 12, 2026.
Not final until disposition of timely filed motion for rehearing.

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Nos. 3D25-2166, 3D25-2167,
3D25-2168 & 3D25-2169
Lower Tribunal Nos. 23-5458-CP-02, 25-3363-CP-02,
25-562-CP-02 & 25-3388-CP-02

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**Kerrin Friedman, etc.,**
Appellant,

vs.

**In Re: Estate of Bonny L. Wax, et al.,**
Appellees.

Appeals from the Circuit Court for Miami-Dade County, Nushin G. Sayfie, Judge.

Gilbert & Smallman PLLC, and Harris W. Gilbert (Hollywood), for appellant.

The Billbrough Firm, P.A., and G. Bart Billbrough, for appellees.

Before SCALES, C.J., and LOBREE and GOODEN, JJ.

SCALES, C.J.

Appellant Kerrin Friedman has filed four separate appeals challenging orders entered in four probate and trust cases. One of the challenged orders removes Appellant as the personal representative of the estate of her mother, Bonny L. Wax (3D25-2166), and the other three orders remove her as the trustee of three trusts related to her siblings: the Bobbi Ring Trust (3D25-2167), the Adam Wax Trust (3D25-2168), and the Credit Shelter Trust (25-2169) (collectively, the "removal orders"). We have consolidated the four appeals, and affirm all four removal orders.

Consistent with the rules of probate mandating that an estate's personal representative must retain counsel,[1] the probate court entered an April 17, 2025 order in the estate case requiring *pro se* Appellant to obtain counsel within thirty days. Instead of complying with the order, Appellant did not retain counsel and proceeded *pro se* not only in in the estate case, but also in this Court[2] and in Federal Court.[3]

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[1] See Fla. Prob. R. 5.030(a).

[2] Friedman v. In Re: Estate of Bonny L. Wax, 3D25-1451; Friedman v. In Re: Estate of Bonny L. Wax, 3D25-1403; Friedman v. In Re: Estate of Bonny L. Wax, 3D25-1381.

[3] Friedman v. State of Fla., Eleventh Jud. Cir., et al., No. 25-cv-23043-LMR (S.D. Fla. July 7, 2025).

Then, consistent with well-settled Florida law preventing a non-lawyer trustee from representing the interests of a trust in litigation,[4] the probate court entered a July 3, 2025 order barring Appellant from self-representation as the trustee in the Adam Wax Trust case. Instead of complying with the order, Appellant continued to submit *pro se* filings as trustee in the Adam Wax Trust case, and Appellant commenced litigating *pro se* in the subsequently filed Bobbi Ring Trust and Credit Shelter Trust cases.

At a September 16, 2025 hearing, the probate court announced it would remove Appellant as personal representative in the estate case and as trustee in each of the three trust cases for, among other things, Appellant's unauthorized self-representation.[5] The probate court followed its

[4] A non-lawyer trustee engages in the unauthorized practice of law when attempting to represent the interests of a trust in litigation. EHQF Tr. v. S & A Cap. Partners, Inc., 947 So. 2d 606, 606 (Fla. 4th DCA 2007); see Darst ex rel. G.A. Darst Equity Tr. v. W. Coast Grp. Enters., LLC, 380 So. 3d 510, 511 (Fla. 2d DCA 2024) (dismissing an appeal brought *pro se* by a trustee suing in his trustee capacity because trustee was not an attorney).

[5] In each of the three trust cases, Appellees (the Estate, Adam Wax and Bobbi Ring) sought the removal of Appellant as trustee based on multiple allegations of misconduct. We need not, and therefore do not, express any opinion on the merits of these misconduct allegations. Even without the misconduct allegations asserted in Appellees' motions, the probate court had sufficient grounds, on its own, to enter the removal orders because of Appellant's unauthorized self-representation.

oral pronouncement at the hearing by entering the challenged, post-hearing removal orders.

On appeal, Appellant asserts that the probate court lacked the statutory authority to remove her from her positions as a personal representative and a trustee. She also argues that the probate court deprived her of due process at the September 16th hearing.

Appellant's arguments are without merit. As for due process, Appellant received notice of the September 16th hearing and, at the hearing, had an opportunity to be heard. See Volynsky v. Park Tree Invs. 21, LLC, 322 So. 3d 714, 715 (Fla. 3d DCA 2021) ("The specific parameters of the notice and opportunity to be heard required by procedural due process are not evaluated by fixed rules of law, but rather by the requirements of the particular proceeding." (quoting Massey v. Charlotte Cnty., 842 So. 2d 142, 146 (Fla. 2d DCA 2003))).

As to the probate court's authority to enter the removal orders, Florida Probate Rule 5.030(a) unambiguously requires a personal representative of an estate to be represented by a Florida attorney, unless the personal representative remains the sole interested person; and, the probate court on its own motion may remove a personal representative. See Fla. Prob. R. 5.440(a). Furthermore, the probate court has statutory authority to remove a

personal representative for violating a court order, which Appellant did in the estate case when she defied the April 17th order requiring her to retain counsel. See § 733.504(3), Fla. Stat. (2025). Similarly, the probate court, on its own initiative, had a statutory basis for removing Appellant as trustee in the trust cases for Appellant's continued, unauthorized practice of law. See § 736.0706(1), (2)(a)-(b), Fla. Stat. (2025).

Accordingly, the probate court did not abuse its discretion in removing Appellant as both personal representative and trustee. See Gnaegy v. Morris, 389 So. 3d 642, 646 (Fla. 3d DCA 2023).

Affirmed.