

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

MACELLON JOSEPH,

Case No:

Plaintiffs,

v.

LINDA JOSEPH,

Defendant.

COMPLAINT

Plaintiff, MACELLON JOSEPH (hereinafter "MACELLON") by and through the undersigned counsel hereby files this Complaint against Defendant, LINDA JOSEPH (hereinafter "LINDA") and as grounds therefore states as follows:

GENERAL ALLEGATIONS

1. This is an action to quiet title to the Plaintiff's homestead property located in Miami-Dade County, Florida, (hereinafter "the Property").
2. This action arose in Miami-Dade County, Florida, and the property that is the subject of this action is located in Miami-Dade County, Florida and, accordingly, venue is proper in Miami-Dade County, Florida.
3. Plaintiff, MACELLON is a resident of Miami-Dade County, Florida, is an individual over 18 years of age, and is otherwise *sui juris*.
4. Defendant, LINDA, is a resident of Miami-Dade County, Florida, is an individual over 18 years of age, and is otherwise *sui juris*. LINDA is MACELLON's daughter.
5. In early June of 2022, MACELLON contacted an individual who holds himself out as a legal document preparer and requested he prepare a standard enhanced life estate

deed for MACELLON (also known as a lady bird deed) which would reserve in MACELLON the right to convey, lease, assign the property and keep all proceeds without the joinder of the remainderman, and then upon his death, any interest remaining, if any, would pass to his daughter, the remainderman, LINDA.

6. The document preparer instead inadvertently prepared a quitclaim deed which MACELLON executed on June 7, 2022, in which he transferred his entire interest in the property to LINDA in fee simple. A copy of the incorrectly drafted deed is attached hereto as Exhibit "A". The deed was recorded in O.R. Book 33977, Page 1641 in the Public Records of Miami-Dade County, Florida.
7. MACELLON was approximately 82 years of age at the time he executed the deed.
8. MACELLON executed the deed as a mistake of fact, thinking it was an enhanced life estate deed, not a transfer of his property in fee simple to his daughter, the Defendant, LINDA.
9. The deed conveying the property to Defendant LINDA is invalid and defective, because it was a result of a mistake of fact and was not a knowing and voluntary conveyance of the Property.
10. The invalid deed casts a cloud on MACELLON's title in the Property as his status as the real owner of the property.
11. The Property constituting MACELLON's homestead located at 275 NW 157th Street, Miami, FL 33169, is legally described as: **BISCAYNE GARDENS SEC B PB 40-49 LOT 471 LOT SIZE 131.860 X 305 OR 18409-3897 1098 1 COC 23380-4040 05 2005 1, according to the Plat thereof, as recorded in the Public Records of Miami-Dade County, Florida. The folio number is 30-2113-001-0710.**

12. MACELLON has been damaged by the drafting mistake committed by the document preparer in preparing a deed to LINDA in fee simple, rather than the enhanced life estate deed that MACELLON requested him to prepare
13. The Court has subject matter over this case and personal jurisdiction over the parties to this action.
14. All conditions precedent to the bringing of this action have been performed or have been waived.

COUNT I – QUIET TITLE

Plaintiffs re-alleges the allegations contained in paragraphs 1 through 14.

15. This is a claim to quiet title in MACELLON to the Property described in Paragraph 11 of the Complaint.
16. The deed executed on June 7, 2022, and recorded in O.R. Book 33977, Page 1641 in the Public Records of Miami-Dade County, Florida is invalid, was the result of a mistake of fact and was not a knowing and voluntary conveyance of MACELLON'S property and is void.
17. The incorrectly drafted deed prepared by the document preparer casts a cloud on MACELLON'S title as the real owner of the property.
18. Plaintiff has no other adequate remedy at law and requires judicial intervention to clear the cloud on title and to quiet MACELLON'S title to his homestead property as the rightful owner thereof.

WHEREFORE, Plaintiff respectfully request that this Court enter such orders or Judgments as are necessary to quiet title in MACELLON, declaring the June 7, 2022 deed, that was recorded

in O.R. Book 33977, Page 1641 in the Public Records of Miami-Dade County, Florida, invalid and that the Court grant such other and further relief that may be awarded at law or in equity.

DATED this 26th day of June, 2025.

/s/ Matthew L. Schneider

Matthew L. Schneider, Esq.

Fla. Bar No: 54272

Attorney for Plaintiff

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Fort Lauderdale, FL 33306

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Email: info@MatthewSchneiderlaw.com

EXHIBIT "A"

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY - PUBLIC ACCESS

This Instrument Prepared by and return to:
Bernard Wh Jennings.
1320 NW 135th Street
Miami, Florida 33167

QUITCLAIM DEED

This Quitclaim Deed, made this 7th day of June, 2022, between
Macellon Joseph, a single man, whose post office address is 450 NE 59th Street MIAMI, FL 33137
Grantors to
Linda Joseph, a single woman whose post office address is 275 NW 157th Street, Miami Florida
33169, Grantee

Witnesseth, that the Grantors, for and in consideration of the sum of -----TEN & NO/100 (\$10.00)--
-----DOLLARS, and other good and valuable consideration to Grantors in hand paid by Grantee, the
receipt of which is hereby acknowledged, have granted, bargained and quitclaimed to the said Grantee
and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the
County of Miami-Dade, State of Florida, to-wit:

Folio: 30-2113-001-0710

Address: 275 NW 157th Street Miami Florida 33169

Legal Description: BISCAYNE GARDENS SEC B PB 40-49 LOT 471 LOT SIZE 131.860 X 305 OR 18409-3897 1098
1 COC 23380-4040 05 2005 1, according to the Plat thereof, as recorded in the Public Records of
Miami-Dade County, Florida

THIS QUIT-CLAIM DEED IS BEING PREPARED WITHOUT PERFORMING A TITLE
SEARCH, TITLE EXAMINATION OR ABSTRACT REVIEW.

To Have and to Hold the same together with all and singular the appurtenances thereunto
belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and
claim whatsoever of Grantors, either in law or equity, for the use, benefit and profit of the said
Grantee forever.

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Camerin Noel
Witness #1 Signature

Camerin Noel
Witness #1 Printed name

Macellon Joseph
Macellon Joseph

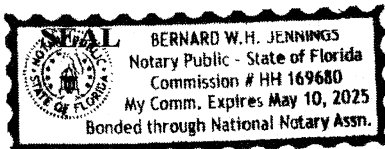
Witness #1 Signature

Bernard W. Jennings
Witness #1 Printed name

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 7 day of June 2022, by Macellon Joseph, who is personally known to me or who has produced FL ID as identification.



Bernard W. Jennings
Notary Signature
Bernard W. Jennings
Printed Notary Signature

My Commission Expires: