



Cape Coral mom regrets adding son to deed, faces losing home

by: Lois Thome, Anchor / August 20, 2025



Melanie is facing the loss of her home in Cape Coral due to a legal battle involving her son.

During our first WINK Listens event in Cape Coral, we met Melanie, a disabled widow who moved to the area in 2022 with her son, who helped care for her.

She decided to add her son to the deed of her new home, which she now regrets.

"Within the year, I got a lawsuit to force me to sell the house, and they want half the equity," Melanie said. "He wants off the mortgage. And the only way to get him off is to make me sell the house."

Melanie's delay in fighting the lawsuit allowed the court to intervene, appointing a realtor to sell the house.

"I have an attorney. I did not get one until after I lost the house because I didn't think I had anything to worry about," she added.

Kevin Jursinski, a local expert in real estate law, commented on the situation. Although not involved in Melanie's case, he explained the complications of adding a child to a property deed.

"It creates a lot of problems. They lose total control over the property. They can't mortgage it. They can't sell it. They can't refinance it without the express consent of the child in writing," said Jursinski.

He suggested alternatives like Florida's life estate and Lady Bird deed, which allow parents to maintain control while planning for property transfer.

"We have a life estate, which is a way for mom to allow her to stay there for the length of her life, until she passes away. (Then) It automatically goes to the child," he said. "At any point in

time, mom or dad could say, I wanted to do this for my son and daughter, but I can't. I need the money, so I must sell the house and take the money for myself."

Melanie reflected on her situation and offered advice to others.

"Be careful what you do with your children, putting your children on the mortgage," she said.

Now, the court is in charge of selling her home and deciding the distribution of proceeds.

"There's no win for me. It's a loss. I've lost my son and my grandchild, so it's a complete loss," Melanie said.

Rather than simply adding their children to a deed for real property the parent owns in Florida, consideration should be given to a life estate or the "Lady Bird Deed."

A life estate allows the grantor to retain use and occupancy of the real property for as long as they live, with the remainder of their interest passing to their designated beneficiary.

With the Lady Bird Deed, the property owner creates a deed conveying title to himself/herself with a retained right of use during his/her lifetime.

The "remainder interest" in the Florida property is transferred upon the owner's death or the owner's inability to manage further. Use of the property, such as in a situation in which the life estate owner transfers to an adult living facility, is one example. Upon death, the interest in the real property transfers to a designated Remainderman, who then becomes vested with the title.

To learn more about your legal real estate options in Florida, [visit the Law Office of Jursinski & Murphy's website.](#)