

IN THE SUPREME COURT OF FLORIDA  
[Before a Referee]

THE FLORIDA BAR,  
  
Complainant,

v.

JOSEPH LESTER BOLES, JR.,  
  
Respondent.

Supreme Court Case  
No. SC22-1628

The Florida Bar File  
Nos. 2020-30,785(7B) and  
2022-30,358(7B)

ANSWER TO COMPLAINT

The Respondent, JOSEPH LESTER BOLES, JR., by and through his undersigned attorney, hereby answers the Complaint filed by the Complainant, THE FLORIDA BAR, as follows:

1. Admits.
2. Admits.
3. Without personal knowledge, so denies.
4. Admits.
5. Admits.
6. Without personal knowledge, so denies.
7. Denies as stated. Ms. Kobler was the client and she

directed that Respondent name Ms. Chappelle as the trustee and to name

Respondent as backup successor trustee. Ms. Chappelle was not a client of the Respondent.

8. Without personal knowledge, so denies.

9. Denies. Ms. Kobler made this request.

10. Denies. Ms. Kobler, the client, directed that Ms. Chappelle be designated as the successor trustee to herself. Mr. Boles was designated by Ms. Kobler as the "backup successor trustee" to act only in the event that Ms. Kobler as trustee, or Ms. Chappelle as "successor trustee," could not act.

11. Denies. Ms. Kobler directed the appointment.

12. Admits.

13. Admits this was not put in writing as Mr. Boles did not have knowledge of any requirement that such information had to be conveyed in writing. However, Respondent made these disclosures to the client during his meeting with the client, and when the documents are executed, they effectively provide applicable informed consent.

14. Respondent is without personal knowledge.

15. Admits.

16. Without personal knowledge, so denies.

17. Admits. At the meeting with Ms. Villet in 2015, Mr. Boles

reviewed a warranty deed she held as Joint Tenants With Right of Survivorship with Alfred Villet (they were both single at the time). Mr. Boles informed Ms. Villet that upon the death of the Joint Tenant, she would be sole owner of the property (if no changes were made). No other legal services were provided to Ms. Villet in 2015.

18. Denies as stated. In November of 2017, Ms. Villet executed a free will leaving her assets to three beneficiaries. She professed no persons in her life to serve as personal representative and requested that Respondent serve in that capacity. Another local attorney was included to serve as Respondent's backup personal representative. In May of 2018, Ms. Villet contacted and met with Mr. Boles again. At that time, Ms. Villet received a second free will, which changed the percentages her named beneficiaries would receive upon her death. She asked that Respondent's new associate be named as backup personal representative. In 2021, Ms. Villet contacted Respondent's office for an appointment to discuss a trust. This was the fourth time in six years that Respondent represented her. She created a trust and advanced directives to preserve one of the beneficiary's rights, who was disabled, to receive 80% of the estate, while at the same time not giving that beneficiary direct control of the assets such that it would compromise his

disability or government assistance. At Ms. Villet's request, Respondent drafted a simple revocable trust that had the disabled beneficiary's share of the estate held in a special needs trust. There was another beneficiary, but Ms. Villet did not want him to assist in any way. She executed same on March 8, 2021, as well as revoking her prior will once again (changing it to a pour-over will). Two witnesses and a notary public were present and witnessed the execution of the documents.

19. Denies.

20. Denies as stated. Mr. Boles' associate (not law partner) was named as the backup successor trustee.

21. Denies as stated. All documents were created at Ms. Villet's direction.

22. Denies as stated.

23. Denies as stated.

24. Admits.

25. Admits that no separate informed consent document was created. However, Respondent explained her options to Ms. Villet during each of the Firm's representations of her over six years, and disclosures were made in some of the documents executed.

26. Without personal knowledge, so denies.

27. Without personal knowledge, so denies.

28. Denies as stated. All potential beneficiaries agreed to this and directed this as they would remain the beneficiaries in fact. As surrogate designated beneficiary, Mr. Boles would act as a fiduciary agent for beneficiaries and would serve without charging any fee.

29. Admits that the purpose was that the beneficiaries would be relieved of their responsibilities which they requested.

30. Admits. In October 2022, the potential beneficiaries signed, witnessed and verified affidavits of written informed consent. Potential beneficiaries previously orally agreed to the waivers.

31. Admits. Also, Respondent has represented the estate on a pro bono basis.

32. Admits this was the intention at the time if approved by the beneficiaries. However, more recently, the sale of the home resulted in net proceeds of about \$20,000. The beneficiaries decided to split the proceeds between themselves rather than to donate the proceeds to the Council on Aging. Mr. Boles has not and will not take any fees or cost reimbursement for his service to the family.

33. (a) Denies.  
(b) Denies.  
(c) Denies.  
(d) Denies.  
(e) Denies.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2022, a true and correct copy of the foregoing was filed with Referee, The Honorable Meredith Charbula, Duval County Courthouse, 501 W. Adams St., Room 7062, Jacksonville, FL 32202, via email to: smeeks@coj.net, and served by email to 1) Carrie Constance Lee, Bar Counsel, The Florida Bar, Orlando Branch Office, The Gateway Center, 1000 Legion Place, Suite 1625, Orlando, FL 32801-1050, clee@floridabar.org, orlandooffice@floridabar.org, ndejesus@floridabar.org, and 2) Patricia Ann Toro Savitz, Staff Counsel, The

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