

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

Guillermo Huete v. Thelma Huete-Sierra

No. 4D22-1843 (Fla. 4th DCA May 24, 2023) · No. No. 4D22-1843 · Decided May 24, 2023

SUMMARY

The Fourth District Court of Appeal of Florida affirmed the trial court’s determinations granting relocation of the parties’ daughter and awarding durational alimony. It remanded for clarification of inconsistent rulings concerning retroactive child support and retroactive alimony and directed the trial court to issue an amended judgment.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Per Curiam; Gross, J.; May, J.; Forst, J.
JURISDICTION	Florida
DECIDED	May 24, 2023
DOCKET	No. 4D22-1843
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final judgment of dissolution of marriage and relocation. The appellant challenged the trial court's relocation and durational-alimony determinations and the judgment's inconsistent rulings concerning retroactive child support and retroactive alimony.
PRECEDENTIAL VALUE	Published opinion; precedential status indicated by source metadata, subject to the stated pending-rehearing qualification.
PARTIES	Guillermo Huete v. Thelma Huete-Sierra

TOPICS

- relocation
- alimony
- child support
- appellate procedure
- dissolution of marriage

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred in granting the appellee's petition for relocation with the parties' daughter.
2. Whether the trial court erred in awarding the appellee durational alimony.
3. Whether the final judgment was sufficiently clear and consistent concerning retroactive child support and retroactive alimony.

HOLDINGS

1. The trial court's determination granting relocation with the parties' daughter is affirmed.
2. The trial court's award of durational alimony is affirmed.
3. The judgment must be clarified because it is facially inconsistent concerning the amount owed in retroactive child support, the monthly amount payable in retroactive child support, and whether retroactive alimony is required.

KEY QUOTATIONS

“The most salient impediment to meaningful review of the trial court’s decision is not the absence of findings, but the absence of a transcript.” (at 1)

FACTUAL BACKGROUND

The parties' marriage was dissolved in the trial court. The court granted Thelma Huete-Sierra's petition to relocate with the parties' daughter and awarded her durational alimony, but its final judgment contained inconsistent statements regarding the amount of retroactive child support, the monthly payment of retroactive child support, and whether Guillermo Huete was required to pay retroactive alimony.

PROCEDURAL HISTORY

The circuit court for Palm Beach County entered a final judgment of dissolution of marriage and relocation, granting the appellee's relocation petition, awarding her durational alimony, and addressing retroactive child support and alimony. On appeal, the Fourth District affirmed the relocation and durational-alimony determinations but reversed and remanded for clarification of three internally inconsistent issues concerning retroactive child support and retroactive alimony.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand the three identified issues to the trial court to clarify its rulings and issue an amended judgment consistent with the record.

CASES CITED

- Esaw v. Esaw, 965 So. 2d 1261, 1264 (Fla. 2d DCA 2007)

- Rodriguez v. Medero, 17 So. 3d 867, 872 (Fla. 4th DCA 2009)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT
GUILLERMO HUETE, Appellant, v. THELMA HUETE-SIERRA, Appellee. No. 4D22-1843
[May 24, 2023] Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach
County; Maxine Cheesman, Judge; L.T. Case No. 502019DR010326MB. Casey M. Reiter of
Casey Reiter Appeals, P.A., Loxahatchee, for appellant.

Nicole Nicolette Mace and Curt Sanchez of The Law Offices of Curt Sanchez, P.A., West Palm
Beach, for appellee. PER CURIAM. Appellant Guillermo Huete appeals the trial court's final
judgment of dissolution of marriage and relocation.

The trial court granted Appellee Thelma Huete-Sierra's petition for relocation with the parties'
daughter and awarded Appellee durational alimony. We affirm the trial court's determinations
regarding both relocation and durational alimony. Appellant submitted only a partial trial
transcript. See Esaw v. Esaw, 965 So. 2d 1261, 1264 (Fla. 2d DCA 2007) ("The most salient
impediment to meaningful review of the trial court's decision is not the absence of findings, but
the absence of a transcript.").

However, the trial court's order is facially inconsistent with respect to how much Appellant owes
in retroactive child support, how much Appellant must pay monthly in retroactive child support,
and whether Appellant is required to pay retroactive alimony.

The trial court equivocated on each of these issues. For example, one portion of the order states
that Appellant was required to pay retroactive alimony, whereas another portion states that
Appellant is not required to pay retroactive alimony.

We remand these three issues to the trial court to clarify its rulings and issue an amended judgment
that is consistent with the record. See Rodriguez v. Medero, 17 So. 3d 867, 872 (Fla. 4th DCA
2009). Affirmed in part, reversed in part and remanded for further proceedings. GROSS, MAY and
FORST, JJ., concur. * * * Not final until disposition of timely filed motion for rehearing.