

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Javier Rodriguez v. Nob Hill West Condominium Association, Inc.

Rodriguez · No. 3D25-1959 · Decided June 24, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed a final judgment of foreclosure following a bench trial. Because the appellate record lacked a trial transcript, the court could not review the trial court's factual findings or legal conclusions and was compelled to affirm under the presumption of correctness.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Lindsey; Lobree; Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 24, 2026
DOCKET	3D25-1959
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a final judgment of foreclosure entered after a bench trial.
STANDARD OF REVIEW	The trial court's decision is presumed correct, and the appellant bears the burden of demonstrating reversible error. Without a transcript of proceedings involving factual issues, the appellate court cannot evaluate the evidence, factual findings, or resulting legal conclusions.
PRECEDENTIAL VALUE	Published
PARTIES	Javier Rodriguez v. Nob Hill West Condominium Association, Inc.

TOPICS

- foreclosure
- appellate procedure
- standard of review
- preservation of error
- civil procedure

PRACTICE AREAS

- appellate procedure
- foreclosure
- civil procedure
- real estate

QUESTIONS PRESENTED

1. Whether the appellate court could review and reverse a final judgment of foreclosure when the appellant failed to provide a transcript of the bench trial.
2. Whether the absence of a trial transcript prevented review of the trial court's factual findings and legal conclusions concerning Rodriguez's affirmative defenses.

HOLDINGS

1. When an appeal requires review of factual findings and evidentiary issues, the appellant must provide a sufficient record, including the trial transcript; without it, the appellate court cannot determine whether the judgment is unsupported by the evidence or based on an erroneous legal understanding.

KEY QUOTATIONS

“In appellate proceedings the decision of a trial court has the presumption of correctness and the burden is on the appellant to demonstrate error. . . . When there are issues of fact the appellant necessarily asks the reviewing court to draw conclusions about the evidence. Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal.” (1152)

FACTUAL BACKGROUND

The appeal concerned a final judgment of foreclosure entered after a bench trial. Rodriguez testified at trial and withdrew and/or failed to prove his affirmative defenses. No transcript of the trial was included in the appellate record.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a final judgment of foreclosure after a bench trial. Rodriguez appealed, but the appellate record did not include a transcript of the trial. The Third District Court of Appeal affirmed because it could not review the trial court's factual findings or resulting legal conclusions without the transcript.

DISPOSITION

affirmed

CASES CITED

- Applegate v. Barnett Bank of Tallahassee, 377 So. 2d 1150, 1152 (Fla. 1979)

OPINION

Javier Rodriguez v. Nob Hill West Condominium Association, Inc.
PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 24, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1959 Lower Tribunal No. 24-17248-CA-01 _____ Javier Rodriguez, Appellant, vs. Nob Hill West Condominium Association, Inc., Appellee. An Appeal from the Circuit Court for Miami-Dade County, Jason Emilios Dimitris, Judge. Javier Rodriguez, in proper person. Koss Law Firm, P.A., and Jeremy A. Koss, for appellee. Before LINDSEY, LOBREE and BOKOR, JJ. PER CURIAM. Javier Rodriguez appeals a final judgment of foreclosure rendered after a bench trial. The final judgment reflects both that Rodriguez testified at trial and withdrew and/or failed to prove any of his affirmative defenses. Because we lack a transcript of the trial, we are unable to review the trial court's factual findings and resulting legal conclusions. Accordingly, we are compelled to affirm. See *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1152 (Fla. 1979) ("In appellate proceedings the decision of a trial court has the presumption of correctness and the burden is on the appellant to demonstrate error. . . . When there are issues of fact the appellant necessarily asks the reviewing court to draw conclusions about the evidence. Without a record of the trial proceedings, the appellate court can not properly resolve the underlying factual issues so as to conclude that the trial court's judgment is not supported by the evidence or by an alternative theory. Without knowing the factual context, neither can an appellate court reasonably conclude that the trial judge so misconceived the law as to require reversal."). Affirmed. 2
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