

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.

OPINION

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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