

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.