

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

GUY J. DUHAIME,

Appellant,

v.

Case No. 5D13-1055

BRENDA DUHAIME AND CECILE STEWART,

Appellee.

_____ /

Opinion filed August 30, 2013

Appeal from the Circuit Court
for Hernando County,
Lisa D. Herndon, Judge.

Guy J. Duhaime, Wewahitchka, pro se.

No Appearance for Appellee.

PER CURIAM.

Guy J. Duhaime appeals the dismissal of his civil action against his siblings, Brenda Duhaime and Cecile Stewart. Mr. Duhaime sued his siblings in Hernando County, claiming that they cheated him out of an inheritance. The trial court dismissed the claim, finding that venue was improper and that a similar lawsuit had previously been filed and dismissed in Polk County. We reverse.

If venue is improper, transfer, rather than dismissal is the proper remedy. Kinetiks.Com, Inc. v. Sweeney, 789 So. 2d 1221, 1222 (Fla. 1st DCA 2001). The

preclusive effect of the Polk County case, if any, should be determined by the transferee court as the record contains nothing about the earlier case other than a vague reference to its existence.

REVERSED and REMANDED.

SAWAYA, ORFINGER and LAWSON, JJ., concur.