

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-5142

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SOUTHSIDE CHURCH OF CHRIST  
OF JACKSONVILLE, INC.,

Appellant,

v.

CHRISTOPHER A. WALKER,  
successor trustee for the  
bondholders of Southside  
Church of Christ of Jacksonville,  
Inc.,

Appellee.

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On appeal from the Circuit Court for Duval County.  
Tatiana Salvador, Judge.

December 27, 2019

KELSEY, J.

The sole argument Appellant raises in this foreclosure appeal is that there was insufficient competent, substantial evidence to support the trial court's conclusion that Appellee had standing to foreclose as successor trustee to the church's bondholders. Appellant argues that the documentary evidence attached to the final judgment was insufficient to establish standing and that alone is reason to reverse. Among those exhibits were ballots accepting Appellee as successor trustee, and

his notarized acceptance of that office, which recites that the holders of a majority in principal amount of bonds approved his appointment. Appellant argues the ballots were not witnessed or notarized, the number of ballots was insufficient to support election of a successor trustee, and Appellee’s acceptance of office proved nothing.

We reject Appellant’s arguments. The trial court conducted an evidentiary hearing below, at which the parties had the opportunity to address these arguments. *See Walton v. Deutsche Bank Nat’l Tr. Co.*, 201 So. 3d 831, 833 (Fla. 1st DCA 2016) (“Where the documentary evidence is insufficient to prove standing at the time of the filing of the complaint, a witness may provide sufficient testimony to prove standing.”). Although this hearing was not transcribed, this Court provided more than ample time for Appellant to supplement the record with a transcript or statement of evidence under Florida Rule of Appellate Procedure 9.200(b)(5) and (f)(2). Appellant has failed to furnish a statement in lieu of transcript. Without a transcript of the evidentiary hearing, we must presume that the lower court’s determination of standing was supported by competent, substantial evidence. *See Snowden v. Wells Fargo Bank*, 172 So. 3d 506, 507–08 (Fla. 1st DCA 2015) (affirming where we could not “rule out the possibility that the trial court heard” sufficient evidence to establish standing) (citing *Applegate v. Barnett Bank of Tallahassee*, 377 So. 2d 1150, 1151 (Fla. 1979) (placing burden on appellant to demonstrate reversible error, failing which appellate court will affirm)). We therefore affirm.

AFFIRMED.

ROBERTS and WINOKUR, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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William E. Corley, III, Jacksonville, for Appellant.

Matthew T. Jackson, Alessandro A. Apolito, and Job W. Fickett,  
of Brannan, Manna & Diamond, Jacksonville, for Appellee.