

# Third District Court of Appeal

## State of Florida

Opinion filed April 29, 2015.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D14-298  
Lower Tribunal No. 12-45649

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**Estate of Juan Carlos Garcia, Deceased, and Lily Garcia, Heir,**  
Appellant,

vs.

**JPMorgan Chase Bank, National Association,**  
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Eugene J. Fierro,  
Judge.

Denise Martinez Scanziani and Paul John Scanziani, for appellant.

Leon Cosgrove and Derek E. Leon and Benjamin Weinberg and David A.  
Karp, for appellee.

Before SUAREZ, LAGOA, and EMAS, JJ.

PER CURIAM.

Affirmed. Ramos v. Philip Morris Cos., Inc., 743 So. 2d 24, 30-31 (Fla. 3d  
DCA 1999) (“The statute of limitations is an affirmative defense which must be

plead and proved by the defendant, and is waived if not plead.”) (citations omitted); see also Fla. R. Civ. P. 1.110(d); Barnett Bank v. Estate of Read, 493 So. 2d 447, 448 (Fla. 1986); Aboandandolo v. Vonella, 88 So. 2d 282, 284 (Fla. 1956); Snow v. Wells Fargo, 156 So. 3d 538 (Fla. 3d DCA 2015); Comerica Bank & Trust v. SDI Operating Partners, 673 So. 2d 163, 166 (Fla. 4th DCA 1996).