

Third District Court of Appeal

State of Florida

Opinion filed July 17, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1118
Lower Tribunal No. 14-12888

Esther Urrea,
Appellant,

vs.

Jeffrey Koplow, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Jacqueline Hogan Scola, Judge.

Esther Urrea, in proper person.

Katz Barron and Keith T. Grumer (Fort Lauderdale), for appellee, Jeffrey Koplow.

Before EMAS, C.J., and GORDO and LOBREE, JJ.

EMAS, C.J.

Esther Urrea, the judgment debtor below, appeals from the trial court's order denying her motion to stay or cancel the scheduled sale of certain property in execution and satisfaction of a final judgment entered in favor of the judgment creditor following proceedings supplementary.

We review the trial court's order for an abuse of discretion. Allstate Ins. Co. v. Cruz, 768 So. 2d 1138 (Fla. 3d DCA 2000). Following an evidentiary hearing, the trial court determined Urrea failed to demonstrate good cause. We find no abuse of discretion in that determination.¹

Affirmed.

¹ We note Urrea also sought to invoke principles of equity, relying upon Bankers Trust Co. v. Edwards, 849 So. 2d 1160 (Fla. 1st DCA 2003), for the proposition that a creditor's inequitable conduct may serve as a basis for the trial court to grant a motion to stay or cancel the sale. Bankers Trust involved application of equitable principles in the context of a mortgage foreclosure, a circumstance not present here. Even assuming the applicability of Bankers Trust, Urrea failed to present any evidence of inequitable conduct on the part of the judgment creditor, and thus the trial court properly denied relief on this asserted basis.