

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2019.

Not final until disposition of timely filed motion for rehearing.

No. 3D18-1963

Lower Tribunal No. 16-19277

CDC Capital Investments, LLC,
Appellant,

vs.

Specialized Loan Servicing, LLC,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Rodney Smith,
Judge.

King Hudson | PLLC, and Ian P. Hudson and Francis M. King (St. Petersburg),
for appellant.

DeLuca Law Group, PLLC, and Brandi Wilson (Fort Lauderdale), for
appellee.

Before EMAS, C.J., and SCALES and HENDON, JJ.

HENDON, J.

In this appeal, the intervenor below, CDC Capital Investments, LLC, seeks reversal of the final judgment of foreclosure, arguing that during the non-jury trial, the plaintiff below, Specialized Loan Servicing, LLC, failed to introduce sufficient competent, substantial evidence of the amounts due and owing and failed to lay the proper foundation to satisfy the business records exception to the hearsay rule to introduce the payment history. Based on CDC Capital Investments' failure to file a transcript of the non-jury trial or a statement of the evidence or proceedings pursuant to Florida Rule of Appellate Procedure 9.200(b)(5), we affirm the final judgment of foreclosure. 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."); Tramontana v. Bank of New York Mellon, 230 So. 3d 601, 602 (Fla. 2d DCA 2017) ("Without a transcript, [the defendant below] cannot prove that [Bank of New York Mellon] failed to establish amounts due and owing or that the trial court reversibly erred.").

Affirmed.