

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-280
Lower Tribunal No. 17-8928

Donata Dirusso,
Appellant,

vs.

CIT Bank, N.A.,
Appellee.

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

Donata Dirusso, in proper person.

Robertson, Anschutz & Schneid, P.L., and David Rosenberg, Cynthia L. Comras, and Jarrett Cooper (Boca Raton), for appellee.

Before FERNANDEZ, HENDON, and GORDO, JJ.

HENDON, J.

The trial court did not abuse its discretion by overruling Donata Dirusso's objection to the foreclosure sale. See DK Arena, Inc. v. EB Acquisitions, LLC, 112 So. 3d 85, 97 (Fla. 2013) (quoting Bellaire Sec. Corp. v. Brown, 168 So. 625, 639 (Fla. 1936)) ("A party may waive any right to which he is legally entitled, whether secured by contract, conferred by statute, or guaranteed by the Constitution."); 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."); IndyMac Fed. Bank FSB v. Hagan, 104 So. 3d 1232, 1236 (Fla. 3d DCA 2012) ("Florida case law is clear that the substance of an objection to a foreclosure sale under section 45.031(5) must be directed toward conduct that occurred at, or which related to, the foreclosure sale itself."); Arsali v. Chase Home Fin., LLC, 79 So. 3d 845, 849 n.5 (Fla. 4th DCA 2012) ("The standard of review on appeal of a trial court's ruling on a motion to set aside a foreclosure sale is whether the trial court grossly abused its discretion."). Accordingly, we affirm the order under review.

Affirmed.