

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM A.D., 2004

MARIA SAJA JARAMILLO DE UEJBE
and ISIDRO A. UEJBE,

Appellant,

vs.

AMERICO E. WEHBE and MARIE IRENE
ORIHUELA SEROUX,

Appellee.

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CASE NO. 3D02-2543

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LOWER
TRIBUNAL NO. 98-25505

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Opinion filed July 7, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Barbara S. Levenson, Judge.

Maria Sara Jaramillo De Uejbe and Isidro A. Uejbe, in
proper person.

Jonas and Silberman, P.A., and Daniel E. Jonas, for
appellee.

Before COPE, LEVY and SHEPHERD, JJ.

PER CURIAM.

Maria Saja Jaramillo de Uejbe and Isidro A. Uejbe appeal a final judgment after non-jury trial in an ejectment case. We affirm.

The determination of the credibility of witnesses is for the trial court, not this court. See Marrone v. Miami Nat'l Bank, 507 So. 2d 652, 653 (Fla. 3d DCA 1987). Any issue regarding the sufficiency of the evidence is precluded by the absence of a trial transcript. See Applegate v. Barnett Bank, 377 So. 2d 1150, 1152 (Fla. 1979).

The argument that this civil action was barred by the res judicata effect of an earlier county court proceeding is not properly preserved for appellate review. That being so, we need not address appellees' alternative argument that even if it had been properly preserved, it would have no merit. The same analysis applies to the argument pertaining to adverse possession.

The appellants argue that the trial court failed to rule on their counterclaim. However, it is clear from the wording of the judgment that the trial court ruled in favor of appellees on all claims. Given the findings in the court's judgment, it necessarily follows that the counterclaim fails.

Affirmed.