

County Civil Court: LANDLORD/TENANT–Court Registry–Appellant/residential tenant ordered to pay past-due rental payments into court registry by date and time certain. Trial court properly entered final judgment for possession to Appellee/landlord when rental payments not remitted to the Clerk of Court pursuant to Section 83.60(2), Fla. Stat. (2012). Final judgment for possession to landlord affirmed. Keith DeSanto v. Yuxiang Chen, No. 12-000023AP-88A (Fla. 6th Cir. App. Ct. November 13, 2013).

NOT FINAL UNTIL TIME EXPIRES FOR REHEARING AND, IF FILED, DETERMINED

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
APPELLATE DIVISION**

**KEITH DESANTO,
Appellant,**

**Case No.: 12-000023AP-88A
UCN: 522012AP000023XXXXCV**

v.

**YUXIANG CHEN,
Appellee.**

_____ /
Opinion Filed _____

Appeal from Final Judgment
Pinellas County Court
Judge Edwin B. Jagger

Keith DeSanto, pro se

Annette M. Lang, Esq.
Attorney for Appellee

PER CURIAM.

Keith DeSanto appeals the "Final Judgment for Possession" entered by the trial court in favor of Yuxuang Chen on April 5, 2012. We affirm.

The "Complaint for Possession, Unlawful Detainer, and Damages" relating to a residential tenancy was filed by Ms. Chen against Mr. DeSanto on March 5, 2012.

Thereafter, on March 15, 2012, Ms. Chen filed a "Motion to Determine Amount of Rent to Place in the Court Registry."

A hearing on the motion was conducted on March 28, 2012. Ms. Chen and Mr. DeSanto appeared and presented testimony. Documents were admitted into evidence. In an order entered the same date, the trial court held that Ms. Chen had shown proper ownership of the house. The sum of \$2800.00 per month was determined to be a reasonable rental payment for the residence based on evidence presented at the hearing.

Pursuant to section 83.60(2), Florida Statutes (2012), the trial court directed Mr. DeSanto to deposit \$8,400.00 into the registry of the court no later than the close of business on April 3, 2012. Additionally, the trial court ordered Mr. DeSanto to continue to remit monthly rental payments into the registry of the court at the rate of \$2,800.00 per month during the pendency of the proceeding. Mr. DeSanto was warned: "If the Defendant fails to deposit the rents as ordered, the court shall enter a judgment for possession of the premises in favor of Plaintiff and for such other relief as the court deems proper."

Mr. DeSanto failed to remit the \$8,400.00 deposit into the registry of the court as directed. A "Final Judgment for Possession" was entered by the trial court on April 5, 2012. This appeal followed.

At the evidentiary hearing on the motion to determine rental payments, the trial court ascertained the true ownership of the subject property and a reasonable rental payment. The "Final Judgment for Possession" was properly entered against Mr. DeSanto in favor of Ms. Chen pursuant to section 83.60(2). "The statute plainly requires the payment of rent if the tenant chooses to assert any defense other than payment, and failure to make the necessary deposit constitutes an absolute waiver allowing for immediate default judgment in favor of the landlord." Stanley v. Quest Int'l Inv., Inc., 50 So. 3d 672, 673 (Fla. 4th DCA 2010).

Affirmed.

DONE AND ORDERED in Chambers in Clearwater, Pinellas County, Florida, this ____ day of November, 2013.

Original order entered on November 13, 2013, by Circuit Judges Linda R. Allan,
John A. Schaefer, and Jack R. St. Arnold.

Copies furnished to:

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Hon. Edwin B. Jagger