

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

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY
APPELLATE DIVISION

CHRISTOPHER P. CURTO,
Appellant,

v.

AMERICAN HERITAGE
REALTY, INC.,
Appellee.

UCN: 512020AP000007APAXWS
Case No.: 20-AP-7
Lower No.: 19-SC-3432

_____/

On appeal from Pasco County Court,
Honorable Frank Grey

Christopher Curto, *pro se*
for Appellant,

No response required,
for Appellee.

ORDER AND OPINION

THIS MATTER comes before the Court *sua sponte* pursuant to Florida Rule of Appellate Procedure 9.315(a) (“After service of the initial brief in appeals under rule 9.110, 9.130, or 9.140 . . . the court may summarily affirm the order to be reviewed if the court finds that no preliminary basis for reversal has been demonstrated”).

Appellant filed a statement of claim against Appellee in small claims court seeking \$5,000 for the cost of repair or replacement of a well on property Appellant had recently purchased. A trial on the claim was held. The trial court issued a final judgment finding for Appellee. Appellant timely-appealed.

The basis of Appellant’s argument on appeal is that the trial court made errors regarding its findings of fact. Since the decision of the trial court comes to this appellate court with a presumption of correctness, this court must presume that the trial court’s findings are correct unless Appellant can demonstrate that a reversible error was made. Hirsch v. Hirsch, 642 So. 2d 20 (Fla. 5th DCA 1994); Casella v. Casella, 569 So. 2d 848

(Fla. 4th DCA 1990). Significantly, what is missing from the appellate record is a transcript of the proceedings below or any record that would substantiate any of Appellant's claims. Additionally, there are no errors on the face of the trial court order.

It is therefore **ORDERED AND ADJUDGED** that the trial court's judgment is hereby summarily **AFFIRMED**.

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida this ____ day of _____, 2020.

Original Order entered on November 20, 2020, by Circuit Judges Daniel D. Diskey, Kimberly Sharpe Byrd, and Shawn Crane.

Copies furnished to:
Honorable Frank Grey

Christopher P. Curto
8025 Sycamore Drive
New Port Richey, FL 34654

Joseph N. Perlman, Esq.
28461 U.S. Highway 19 North
Clearwater, FL 33761

Staff Attorney