

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY
CASE NO.: 502018AP000046CAXXMB
L.T. NO.: 502018CC003252XXXXSB

PEARLEY SIMMONDS,
Appellant,

v.

VILLAGE SQUARE APARTMENTS,
Appellee.

Opinion filed: JUN 19 2019

Appeal from the County Court in and for Palm Beach County,
Judge Reginald Corlew

For Appellant: Pearley Simmonds, Pro Se
P.O. Box 832042
Delray Beach, FL 33483

For Appellee: Village Square Apartments, Pro Se
737 Village Square Circle
Delray Beach, FL 33444

PER CURIAM.

Appellant, Pearley Simmonds (“Simmonds”), appeals the final judgment entered against Simmonds in the underlying eviction action and also seeks review of several orders entered prior to the final judgment. Upon review of the record, we find that the final judgment must be reversed because Village Square Apartments lacks standing in the eviction action because the lease agreement was between Simmonds and a different entity.

This Court is not constrained to affirm if there is error apparent on the face of the record. *Reyes v. BAC Home Loans Servicing L.P.*, 226 So. 3d 354, 358 (Fla. 2d 2017) (citing *Celebrity Cruises, Inc., v. Fernandes*, 149 So. 3d 744, 749 (Fla. 3d DCA 2014) (“although appellant’s failure

to provide transcript generally dictates affirmance, appellate court may review lower court's judgment for error apparent on its face notwithstanding absence of transcript." The appellate record includes an Apartment Lease Contract, in which the owner of the residence was listed as "Village Square Family Ltd." In the original complaint, however, the plaintiff was listed as "Village Square Apartments." Under these circumstances, the lack of a transcript of the trial court proceeding does not impede our consideration of Simmonds' challenge to the trial court's denial of her motions and ensuing award of damages to Village Square Apartments.

Because Village Square Apartments is an improper plaintiff in this action and thus lacks standing, we **REVERSE** the trial court's final judgment in favor of Village Square Apartments and **REMAND** for further proceedings.

COATES, SASSER, and KERNER, JJ., concur.

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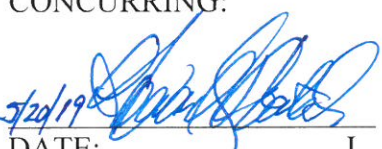

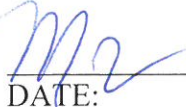
Date of Appeal: May 21, 2018

_____/_____
DATE OF PANEL: April 16, 2019

PANEL JUDGES: COATES, SASSER, KERNER

AFFIRMED/REVERSED/OTHER: REVERSE

PER CURIAM OPINION/DECISION BY: PER CURIAM

CONCURRING:)	DISSENTING:)	CONCURRING SPECIALLY:)
)	With/Without Opinion)	With/Without Opinion)
<u>5/29/19</u> )	_____)	_____)
DATE: _____ J.)	_____ J.)	_____ J.)
<u>6/3/19</u> )	_____)	_____)
DATE: _____ J.)	_____ J.)	_____ J.)
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