

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

APPELLATE DIVISION (CIVIL): AY
CASE NO.: 502018AP000028CAXXMB
L.T. NO.: 502017CC007031XXXXNB

PAUL ANTHONY IGLESIAS and
CARMEN BATISTA SANTANA,
Appellants,

v.

LORI WEINGARTEN, Personal
Representative of THE ESTATE
OF WILLIAM T. WEINGARTEN,
Deceased,
Appellee.

Opinion filed: DEC 11 2018

Appeal from the County Court in and for Palm Beach County,
Judge Sandra Bosso-Pardo.

For Appellant: Paul Anthony Iglesias and Carmen Batista Santana, Pro Se
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For Appellee: Kip Davis, Esq.
Vassallo, Bilotta, Friedman & Davis
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Stuart, Florida 34994
kip@vassallobilotta.com

PER CURIAM.

Paul Anthony Iglesias and Carmen Batista Santana ("Iglesias and Santana") appeal the Final Judgment entered by the trial court, which awarded \$14,292.98 in damages, plus \$8,178.35 in attorney's fees and costs to Lori Weingarten ("Weingarten"), personal representative of the Estate of William T. Weingarten.

The trial court awarded damages to Weingarten because Iglesias and Santana defaulted on their twelve-month lease agreement. The sum of the damages awarded to Weingarten did not account for the \$2,750.00 payment advanced to Weingarten by Iglesias and Santana, which covered \$1,750.00 for the security deposit and \$1,000.00 towards the last month's rent. Iglesias and Santana argue that this was in error and that the Final Judgment should be reduced by \$2,750.00 to reflect their advanced payment. Weingarten concedes the error. We agree, and **REVERSE** the Final Judgment and **REMAND** for the trial court to reduce the amount of damages owed by Iglesias and Santana to include the set-off of \$2,750.00. We find no merit in any other issue set forth by Iglesias and Santana and therefore **AFFIRM** the Final Judgment in all other respects.

The Court *may* award attorney's fees to the party in whose favor a judgment or decree has been rendered, pursuant to the lease and section 83.48, Florida Statutes (2018). Both parties to this appeal have only partially prevailed and, as such, we **DENY** Weingarten's Motion for Appellate Attorney's Fees.

ARTAU, BLANC, FRENCH, JJ., concur.

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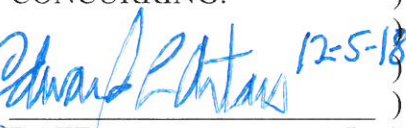
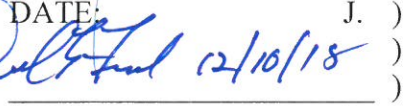
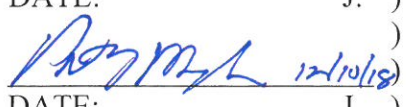
Date of Appeal: February 27, 2018

DATE OF PANEL: SEPTEMBER 25, 2018

PANEL JUDGES: ARTAU, BLANC, FRENCH

AFFIRMED/REVERSED/OTHER: REVERSED AND REMANDED

PER CURIAM OPINION/DECISION BY: PER CURIAM

CONCURRING:)	DISSENTING:)	CONCURRING SPECIALLY:)
)	With/Without Opinion)	With/Without Opinion)
 12-5-18)))
DATE: J.))	J.))	J.))
 12/10/18)))
DATE: J.))	J.))	J.))
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