

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

MARK BEHAR,

Appellant,

v.

PRESLET LOUISDORT,

Appellee.

APPELLATE DIVISION (CIVIL)
CASE NO.: 502007AP000188XXXXMB
L.T.: 502007CC012211XXXXMBRL
Division: 'AY'

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Opinion filed: October 17, 2008

Appeal from the County Court in and for Palm Beach County, Florida
Judge Janis Brustares Keyser.

For Appellant: Leonard Wilder, Esq.; 303 Yamato Rd., Suite 4150, Boca Raton, FL 33431.

For Appellee: Preslet Louisdort, *pro se*, 717 NE 10th Ave., Apt. #1, Boynton Beach, FL (last known address).

Appellee's wife, MARLAINE LOUISDORT, lacked standing to bring a counterclaim against Appellant and improperly represented Appellee's legal interests. Accordingly, we REVERSE and REMAND the decision of the lower court. Upon remand, the lower court is directed to vacate the final judgment and dismiss for Appellant's failure to satisfy the conditions precedent to initiating an eviction action. *See* § 83.56(3), Fla. Stat. (2007). Appellee vacated the premises in 2007, rendering pursuit of default against him moot. Appellant's Motion for Attorney's Fees is DENIED because he did not prevail on the contract.

REVERSED and REMANDED.

FINE, STERN, and GERBER, JJ., concur.