

# Third District Court of Appeal

State of Florida

Opinion filed March 25, 2026.

Not final until disposition of timely filed motion for rehearing.

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No. 3D24-2266  
Lower Tribunal No. 24-2148-CP-02

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**Daniel Miguel, et al.,**  
Appellants,

vs.

**Jorge J. Miguel, etc.,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jose Luis Fernandez, Judge.

Dieguez & Associates, PLLC, Anthony Dieguez, and Rebekah E. Guerrero, for appellants.

Paul M. Cowan & Associates, P.A., Paul M. Cowan, and Manuel A. Celaya, for appellee.

Before SCALES, C.J., and EMAS and FERNANDEZ, JJ.

PER CURIAM.

Affirmed. See Volusia Cty. v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126, 130 (Fla. 2000) (providing that the standard of review of an order granting summary judgment is *de novo*); Seal Prods. v. Mansfield, 705 So. 2d 973, 975 (Fla. 3d DCA 1998) (“[T]he hearing on the motion for summary judgment consists of the legal argument of counsel, not the taking of evidence. Consequently, it is not necessary to procure a transcript of the summary judgment hearing, although it is permissible and often helpful to do so.” (internal citations omitted)); Hardison v. Bank of New York Mellon, 399 So. 3d 1173, 1174 (Fla. 3d DCA 2024) (“The most salient impediment to meaningful review of the trial court’s decision is not the absence of findings, but the absence of a transcript.” (quoting Esaw v. Esaw, 965 So. 2d 1261, 1264 (Fla. 2d DCA 2007))); In re Wells, 259 B.R. 776, 779 (Bankr. M.D. Fla. 2001) (“The merger doctrine is applicable where either the entire beneficial interest passes to the trustee or where the legal title passes to a sole beneficiary. Upon merger of the legal and equitable titles, the holder of both interests possesses fee simple ownership of the property.” (internal citations omitted)); J.T.A. Factors, Inc. v. Philcon Servs., Inc., 820 So. 2d 367, 370 (Fla. 3d DCA 2002) (“As a general rule, it is not appropriate for a party to raise an issue for the first time on appeal. . . . Thus, because these claimed errors were not preserved before the trial court, they are deemed waived.”).