

**IN THE TENTH JUDICIAL CIRCUIT  
COURT FOR HARDEE, HIGHLANDS  
AND POLK COUNTY, FLORIDA**

**COUNTY CASE NO.: 2001CC-004466-  
APPEAL NO.: 2002AP-000004**

**ELEANOR C. WORSHAM,**

**Appellant,**

**v.**

**CHASE MANHATTAN BANK, U.S.A., N.A.**

**Appellee.**

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**OPINION OF THE COURT**

This is an appeal from the county court of Polk County, Judge Michael E. Raiden presiding. The Appellant, Eleanor Worsham, appeals the entry of an order granting summary judgment in favor of Appellee, Chase Manhattan Bank. This court has jurisdiction. Fla. R. App. P. 9.030(c). The ruling of the county court is affirmed.

**I.**

The underlying dispute involves an action involving a claim for damages stemming from a credit card account opened by Appellant. Appellee brought suit alleging that Appellant defaulted on her payments and moved for summary judgment. A hearing was held on July 8, 2002 where argument was presented. The trial court granted Appellee's motion for summary judgment, finding that "there are no material facts in dispute and that Plaintiff is entitled to judgment." Appellant filed a timely notice of appeal on August 8, 2002.

**II.**

The sole issue on appeal is whether the lower court erred in holding that there was no material issue of fact or law in controversy. The decisions of a trial court are presumptively correct. Chiles v. State Employees Attorney's Guild, 734 So.2d 1030, 1034 (Fla. 1999). To succeed on appeal, Appellant must demonstrate reversible error. Id. On appeal, the standard of review of a summary judgment order is de novo. Smith v. Frontier Communications Intern., Inc., 805 So.2d 975 (Fla. 2<sup>nd</sup> DCA 2001). Summary judgment is proper if there is no genuine issue of material fact and if the moving party is entitled to judgment as a matter of law. Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So.2d 126 (Fla. 2000). The standard of review of a summary judgment order requires viewing the evidence in the light most favorable to the non-moving party. Sierra v. Shevin, 767 So.2d 524 (Fla. 3<sup>rd</sup> DCA 2000). The Court, having carefully considered the arguments and having reviewed the file, finds no reversible error.

Accordingly, it is ORDERED and ADJUDGED that the ruling of the county court is AFFIRMED.

DONE and ORDERED August 26, 2003.

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**RONALD HERRING**, Chief Judge