

CONTINENTAL COMMUNITY RESIDENT HOMEOWNERS ASSOCIATION, INC.

• 15 Magnolia Lane  
Wildwood, Florida 32785

JANUARY, 1986

TO ALL RESIDENTS:

THIS LETTER IS TO ADVISE YOU THAT WE ARE IN RECEIPT OF THE COURT ORDER REQUESTING PAYMENT OF THE DISPUTED MAINTENANCE FEE TO BE PAID TO THE ESCROW FUND.

THE ATTACHED COPY OF THE COURT ORDER SHOULD EXPLAIN AND, HOPEFULLY,, ANSWER MOST OF YOUR QUESTIONS.

PROCEDURE OF PAYMENT TO THE FUND: CHECKS ARE TO BE MADE OUT TO THE

JOHN T. ALLEN, JR., P.A.  
TRUST ACCOUNT

AND DELIVERED TO THE CONTINENTAL ADMINISTRATION BUILDING. ARRANGEMENTS HAVE BEEN MADE THROUGH OUR ATTORNEY FOR CONTINENTAL BOOKKEEPING TO RECEIVE CHECKS OF THE INDIVIDUAL PAYMENTS AND MAKE DEPOSITS TO THE SOUTHEAST BANK OF WILDWOOD.

AT ALL TIMES, TWO (2) CHECKS WILL BE REQUIRED. ONE (1) CHECK FOR YOUR USUAL \$65.00 MAINTENANCE FEE AND ONE (1) CHECK TO THE JOHN T. ALLEN, JR., P.A., TRUST ACCOUNT.

WE ARE SURE YOU ALL REALIZE YOUR FIRST CHECK TO THE TRUST WILL BE A CATCH-UP CHECK DATING BACK TO JUNE 1, 1985. YOUR LAST BILLING SHOULD SHOW THE AMOUNT OWED TO THE ESCROW. IT IS REALIZED THERE WILL BE MANY VARIANCES DUE TO DIFFERENT CREDITS, ETC. ISSUED DURING THIS PERIOD. IT IS ALSO REALIZED THAT DUE TO VARIOUS ARRANGEMENTS MADE IN THE PAST, THERE WILL BE VARIANCES. WE ARE RECOMMENDING THAT THOSE INDIVIDUALS COME TO AN UNDERSTANDING PRIOR TO SUBMITTING THEIR FIRST (CATCH-UP) CHECK. THIS IS TO BE DONE IMMEDIATELY.

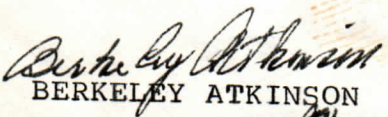
FOR EXAMPLE: SOME RESIDENTS, DURING THE BANKRUPTCY PERIOD, HAVE BEEN MAKING UNAUTHORIZED DEDUCTIONS. IT IS REQUIRED THAT ALL RESIDENTS PAY INTO THE "JOHN T. ALLEN, JR., P.A. TRUST ACCOUNT" WITH THE EXCEPTION OF SPECIAL MAINTENANCE AND LEASE LOT RESIDENTS. FOR CLARIFICATION, WE REFER YOUR ATTENTION TO PARAGRAPHS 1a AND 1b.

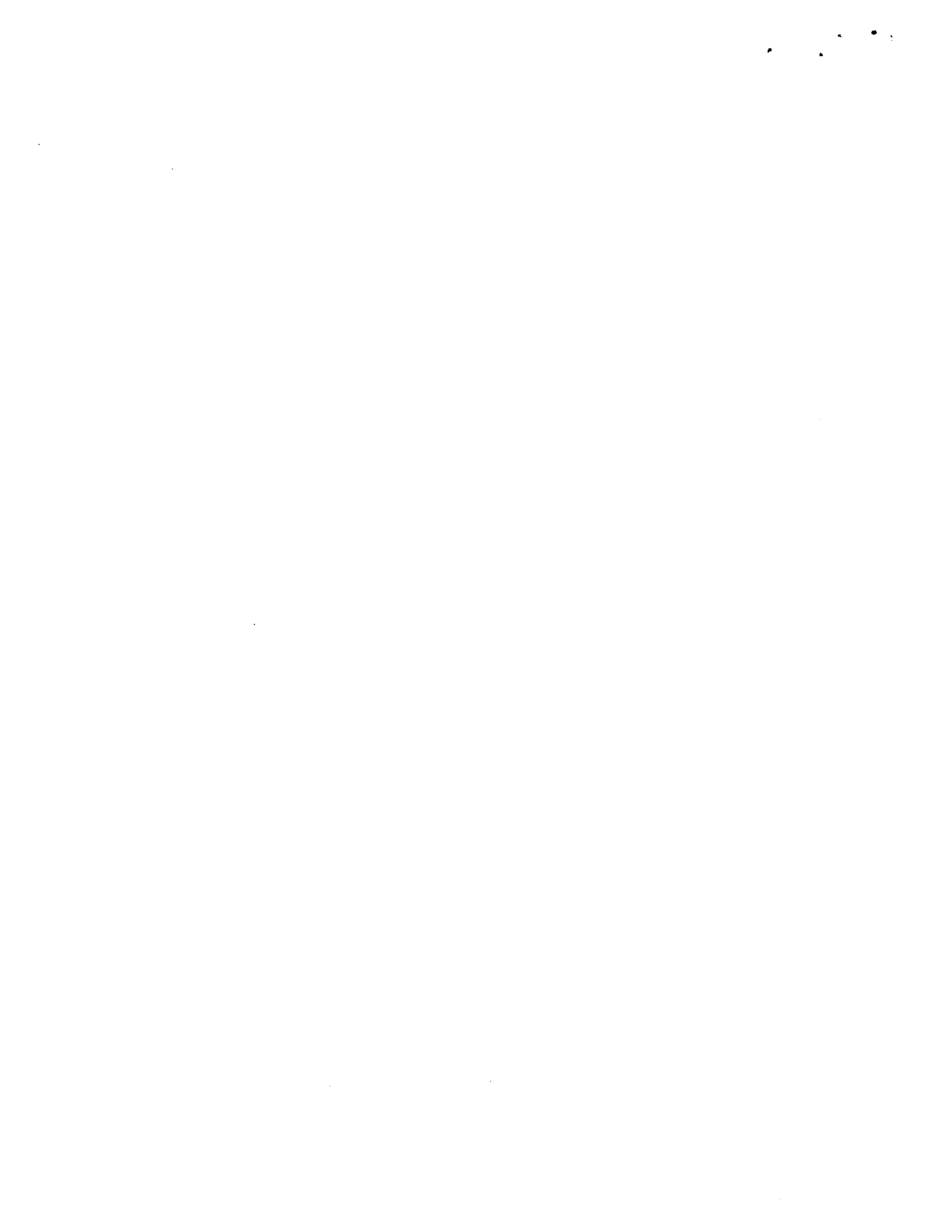
WE HAVE BEEN ASSURED THAT ALL EXISTING LIEN NOTICES WILL BE LIFTED IMMEDIATELY UPON PAYMENT TO THE ESCROW ACCOUNT.

WE URGE YOU TO BRING YOUR ACCOUNT UP-TO-DATE IMMEDIATELY.

A MEETING OF ALL RESIDENTS WILL BE HELD AT THE WILDWOOD HIGH SCHOOL GYMNASIUM ON THURSDAY, JANUARY 23rd AT 7:00pm AT WHICH TIME WE WILL ATTEMPT TO BRING YOU UP TO DATE REGARDING THE RECENT MEETINGS WITH MR. FREEMAN.

PLEASE BE SURE TO ATTEND.

  
BERKELEY ATKINSON  
PRESIDENT



IN THE CIRCUIT COURT IN AND FOR SUMTER COUNTY, FLORIDA

CIRCUIT CIVIL NO. 85-330-CA

CONTINENTAL COMMUNITY RESIDENT  
HOMEOWNERS ASSOCIATION, INC.,  
a Florida corporation,

Plaintiff,

vs.

CONTINENTAL COUNTRY CLUB, INC.,  
a Florida corporation,

Defendant.

---

ORDER GRANTING PLAINTIFF'S MOTION TO DEPOSIT INCREASE IN MAINTENANCE FEES INTO THE REGISTRY OF THE COURT; GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR TEMPORARY INJUNCTION; GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT; GRANTING PLAINTIFF'S ORAL MOTION FOR AUDIT OF DEFENDANT'S ACCOUNTING BOOKS AND RECORDS; ORDERING PRODUCTION OF DOCUMENTS NOTICED FOR HEARING WITHIN SPECIFIED PERIOD OF TIME; DEFERRING RULING ON OTHER PENDING MOTIONS

THE FOREGOING CAUSE came on to be heard upon plaintiff's Motion for Temporary Injunction or, in the Alternative, Motion to Deposit Increase in Maintenance Fees into the Registry of the Court, plaintiff's Motion for Leave to File Amended Complaint, plaintiff's motion in open court for audit of the defendant's accounting books and records, defendant's Motion to Dismiss Complaint, plaintiff's oral motion at Court for production of documents pursuant to Notice to Produce Documents at Hearing, and the Court having heard extensive testimony on plaintiff's Motion for Temporary Injunction or, in the Alternative, Motion to Deposit Increase in Maintenance Fees into the Registry of the Court, and the Court being otherwise fully advised in the premises, it is,

ORDERED AND ADJUDGED AS FOLLOWS:

1. Plaintiff's Motion for Temporary Injunction or, in the Alternative, Motion to Deposit Increase in Maintenance Fees into the Registry of the Court is in part granted and in part denied as follows:

(A) The Motion to Deposit Increase in Maintenance Fees into the Registry of the Court be and the same is hereby

GRANTED and it is ordered that any increases assessed by defendant against the mobile home residents of Continental Country Club from June 1, 1985, be placed in the Registry of the Court in a Court account or in a trust account agreed to by counsel for the plaintiff and the defendant.

(B) If all mobile home owners who have been assessed the increase in maintenance fees which were the subject of this Court's evidentiary hearing timely pay the base maintenance fee of \$65.00 per month, which was the sum being paid before any increases assessed against the mobile home owners by defendant prior to June 1, 1985, then it is ordered that all such increases from June 1, 1985, be paid into the Registry of the Court or a trust account as provided above in this order. In the event the base ~~increase in~~ maintenance fees of \$65.00 per month is not timely paid, <sup>and/or the proposed increase is not timely deposited as herein provided,</sup> then the defendant <sup>in either event</sup> shall be entitled to file a lien for both the base maintenance fee of \$65.00 per month and the proposed or assessed increase in maintenance fees and foreclose said liens at the discretion of the defendant.

(C) As to any delinquent maintenance fees for the mobile home owners and tenants who either are or are not members of the plaintiff, CONTINENTAL COMMUNITY RESIDENT HOMEOWNERS ASSOCIATION, INC., all such parties, whether they be a member of the plaintiff association or not, shall within ten (10) days of the date of this order bring all payments current on the base maintenance fee of \$65.00 per month; otherwise, after expiration of such ten (10) day period, the defendant, at its discretion, shall be free to file a lien for the base maintenance fee of \$65.00 plus all proposed and recently assessed increases after June 1, 1985, and foreclose said liens at defendant's discretion. This order only applies as to those members of the plaintiff association or non-members of the plaintiff association who have not paid their base maintenance fee of \$65.00 per month. Any member of the plaintiff association or non-member who is a mobile home owner in Continental Country Club shall be specifically affected by their actions in regard to this order and all members



3

or non-members who follow this Court's order shall receive the benefits of this Court's order until further order and hearing by the Court.

(D) The defendant shall have leave to invade the corpus of the deposit ordered by this Court either by stipulation of counsel with the plaintiff or order of Court after hearing, for expenditures that are for the current maintenance or repair of utility equipment and things of this type pursuant to the procedures for withdrawal of Court ordered deposits under Rule 1.600 of the Florida Rules of Civil Procedure. Any such withdrawal, upon hearing, shall be tested by the Court pursuant to its statements in its ruling on these matters on November 8, 1985, and shall be required to be reasonable within law and further shall be upon the basis that the base maintenance fee of \$65.00 has been properly expended for what the Court believes to be normal maintenance type charges which have not been diverted to other expenses.

(E) The plaintiff's Motion for Temporary Injunction be and the same is hereby GRANTED to the extent that the defendant is hereby enjoined from foreclosing any liens which have been filed by the defendant on the property of any of the mobile home tenants of Continental Country Club until further order of the Court. In view of this Court's ruling, the other relief requested in plaintiff's Motion for Temporary Injunction be and the same is hereby DENIED.

2. Plaintiff's Motion for Leave to Amend, which shall not necessarily be consistent with the pleading attached to such motion, be and the same is hereby GRANTED and plaintiff shall have twenty (20) days from the date of this order in which to serve an Amended Complaint.

3. Plaintiff's oral motion to permit audit of defendant's accounting books and records be and the same is hereby GRANTED and the plaintiff's and defendant's counsel are hereby directed to undertake the following actions:

(A) Plaintiff shall designate an accountant or certified public accountant for the purpose of the audit and shall notify defendant's counsel in writing of such selection;

(B) Counsel for the plaintiff and defendant shall agree upon a time that the audit shall commence, otherwise, a time will be set by the Court upon motion and hearing;

(C) The audit shall commence upon the date agreed to by counsel for plaintiff and defendant or by order of Court from day to day during normal business hours of the defendant Monday through Friday until completion. Plaintiff's auditor shall attempt to cooperate with defendant's personnel to the extent possible. Defendant's agents, servants and employees and officers shall also cooperate with plaintiff's auditor to the extent possible and shall make all financial books and records available to the auditor and comply with all reasonable requests made by the auditor;

(D) The auditor and plaintiff shall have the right to copy any and all documents contained in the defendant's financial books and records;

(E) When the audit has been completed, plaintiff's counsel shall notify the Court by the filing of an appropriate pleading with letter notification to the Court with copy to all counsel of record.

4. Plaintiff served upon the defendant a Notice for Production at Hearing and also subpoenaed certain documents "duces tecum" at the depositions held in this cause on November 5, 1985. Defendant's counsel has indicated to the Court at the hearing that such documents are difficult to gather, and therefore, the defendant will produce to plaintiff's counsel such documents within thirty (30) days of the hearing of November 8, 1985. Therefore, the Court orders the defendant to comply with the stipulation and produce the documents within the time and in the manner provided by this order.

5. Defendant's Motion to Dismiss Complaint and any and all other motions before the Court are hereby deferred until further hearing and order of the Court.

DONE AND ORDERED in Chambers at Tavares, Sumter County,  
Florida, this 6<sup>th</sup> day of January, 1986.

15/ Ernest C. Aulla, Jr.  
CIRCUIT JUDGE

Copies furnished to:  
John T. Allen, Jr., Esq.  
David Eastman, Esq.  
John C. Courtney, Esq.

June - July - Aug - Sept - Oct @ 70.<sup>00</sup> = 350  
Nov - Dec - Jan @ 72.<sup>50</sup> = 217.50

567.50

137.50

90.00

$$45.00 \text{ Per Mo} \times 5 = 225.00$$

$$47.50 \text{ Per Mo.} \times 10 = \frac{475.00}{700.00}$$

$$\begin{array}{r} 2250 \\ 650 \\ \hline 13750 \end{array}$$

~ ~