

IN THE CIRCUIT COURT OF
THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY,
FLORIDA

KINGS RIDGE COMMUNITY
ASSOCIATION, INC., SEYMOUR
HOLZMAN, MAYNARD L. TIRRELL,
ROY B. GORDON, WILLIAM CAMPBELL,
ROBERT A. FOWLER, DONALD L. POLK,
HOWARD W. RANDALL, DONALD
W. SANTEE and MARQUETTE L. FLOYD,

CASE NO : 05-CA-2718

CLASS REPRESENTATION

Plaintiffs,

vs.

LENNAR LAND PARTNERS, LENNAR
HOMES, INC., LENNAR LAND PARTNERS
SUB, INC., LNR LAND PARTNERS SUB
INC., KINGS RIDGE, L.L.C., E. BING HACKER,
MORTGAGE ADVISORS, INC., J. FRANK
SURFACE, JR., JOHN DOE DEFENDANTS
and UNKNOWN CO-CONSPIRATORS,

Defendants.

**ORDER ON DEFENDANTS' AMENDED MOTIONS TO DISMISS,
OR IN THE ALTERNATIVE FOR MORE DEFINITE STATEMENT,
AND MOTIONS TO STRIKE DEMAND FOR JURY TRIAL**

THIS CAUSE came on to be heard on Lennar Defendants' Amended Motion to Dismiss Complaint, or in the Alternative for More Definite Statement, and Motion to Strike Demand for Jury Trial, and Kings Ridge Defendants' Amended Motion to Dismiss Complaint, or in the Alternative for More Definite Statement, and Motion to Strike Demand for Jury Trial. The Court having reviewed Defendants' Motions and Memorandum, and having heard the argument of Counsel, finds as follows:

RECEIVED

MAR 08 2006

Per PAD 2785-1

cc: email clients

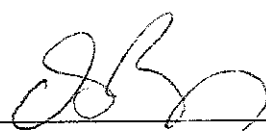
Plaintiffs' Complaint is sufficient to withstand a motion to dismiss, excepting Counts 3 and 4, the declaratory judgment counts. In Counts 3 and 4, Plaintiffs fail to allege all of the required elements for declaratory judgment and improperly seek specific performance within those counts. Regarding the statute of limitations and economic loss doctrine issues raised by Defendants, this Court concludes Plaintiffs' allegations, accepted as true, are sufficient to preclude dismissal on those grounds. The Court further concludes the standing issues raised by Defendants are premature and should be addressed later in the proceedings. As to Defendants' Motions to Strike Demand for Jury Trial, this Court shall reserve ruling until after it receives Plaintiffs' Amended Complaint.

Accordingly, it is hereby

ORDERED AND ADJUDGED that Defendants' Amended Motions to Dismiss Complaint, or in the Alternative for More Definite Statement, are granted, without prejudice, as to Counts 3 and 4 of Plaintiffs' Complaint and are denied as to Counts 1-2 and 5-14. Plaintiffs shall have thirty days^{JW} to file an Amended Complaint. The Court reserves ruling on Defendants' Motions to Strike Demand for Jury Trial until after the Court receives Plaintiffs' Amended Complaint.

DONE AND ORDERED in Chambers at Tavares, Lake County, Florida, this 7 day of

MARCH, 2006.



Hon. Don F. Briggs
Circuit Judge

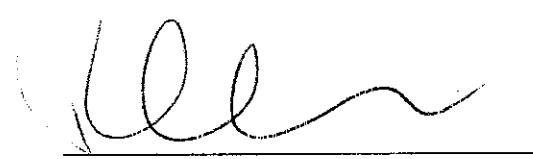
Certificate of Service

I HEREBY CERTIFY a true and correct copy of the foregoing Order was sent via U.S. Mail/hand delivery this 7 day of March, 2006, to the following:

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Judicial Assistant/Clerk