

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

KINGS RIDGE COMMUNITY ASSOCIATION,  
INC.; et al.,

Case No. 05-CA-2718

Plaintiffs,

Class Representation

vs.

LENNAR LAND PARTNERS; et al.,

Defendants.

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**ORDER APPROVING CLASS NOTICE**

This matter came before the court on May 8, 2007, upon Plaintiffs' Motion to Approve Class Notices ("Motion") and Defendants' Notice of Filing Their Alternative to Plaintiffs' Proposed Class Notices ("Alternatives"), and the Court having reviewed the Motion and Alternatives, and being duly advised of the premises, and after due consideration, does hereby,

ORDER AND ADJUDGE:

1. The Notice of Class Action Lawsuit ("Notice") attached hereto as Exhibit A is hereby approved and adopted. The Class Plaintiffs shall serve a copy of the attached Notice upon all current members of the Royal Club at Kings Ridge in Clermont, Florida ("Club Members"). The Notice shall be served upon all current Club Members on or before May 31, 2007.

2. The Waiver of Conflict of Interest by Club Member ("Waiver") attached hereto as Exhibit B is hereby approved and adopted. The Class Plaintiffs shall serve the attached Waiver together with the Notice upon all current Club Members.

3. The failure of a Club Member to opt-out of the Class Action on or before the date indicated in the Notice shall be effective against the property currently owned by the Club Member regardless of whether said property is later titled in another name. An opt-out by a Club Member shall be effective for the property currently owned by the Club Member regardless of whether said property is later titled in another name.

4 The reference to "Lennar Land Properties" in this court's Order dated February 13, 2007 is hereby corrected and the reference should be to "Lannar Land Partners" The attached Notice correctly states Lennar Land Partners, the entity intended to be referenced by the court.

5. On or before June 30, 2007, counsel for the Class Plaintiffs shall file and serve an Affidavit of Service containing or attaching the names and addresses that the Notice was served upon.

DONE AND ORDERED in Chambers in Lake County, Florida, on May 15, 2007

DON F. BRIGGS

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Don F. Briggs  
Circuit Judge

**Service List:**

Don H. Lester, Esquire  
LESTER & MITCHELL, P A  
1035 LaSalle Street  
Jacksonville, FL 32207

Phillip S Smith, Esq  
McLin & Burns, P.A.  
1000 West Main Street  
Leesburg, FL 34748

Charles Cacciabeve, Esq. (\* via fax)  
Charlotte Warren, Esq.  
Michael P Sampson, Esq  
Carlton Fields, P.A.  
CNL Center at City Commons  
450 S Orange Avenue, Suite 500  
Orlando, FL 32801

Robert W. Anthony, Esq.  
Phil D'Aniello, Esq.  
FASSETT, ANTHONY & TAYLOR, P A  
1325 W. Colonial Drive  
Orlando, FL 32804

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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,

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. and J. FRANK  
SURFACE, JR.,

Defendants.

Case No. 05-CA-2718

CLASS REPRESENTATION

**NOTICE OF CLASS ACTION LAWSUIT**

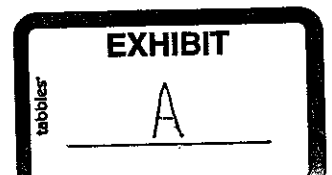
**TO: ALL CURRENT CLUB MEMBERS OF THE CLUB FACILITIES AT THE KINGS  
RIDGE SUBDIVISION IN CLERMONT, FLORIDA**

**IF YOU ARE A CLUB MEMBER, THIS NOTICE AFFECTS YOUR LEGAL RIGHTS  
PLEASE READ THIS NOTICE CAREFULLY**

This Notice of Class Action Lawsuit (referred to herein as "Notice") is given pursuant to Florida Rule of Civil Procedure 1.220 and the Order of the 5th Judicial Circuit Court (referred to herein as "Court") in and for Lake County Florida. This Notice is being given by the individual Class Plaintiffs identified above, specifically the named individual Class Plaintiffs as follows:

1. Seymour Holzman
2. Maynard L. Tirrell
3. Roy B. Gordon
4. William Campbell
5. Robert A. Fowler
6. Donald L. Polk
7. Howard W. Randall
8. Donald W. Santee
9. Marquette L. Floyd

(referred to herein as "Class Plaintiffs").



The purpose of this Notice is to inform you of the existence of this lawsuit and that the Court has determined that the claims brought by the individual Class Plaintiffs identified above are maintainable as a class action on behalf of all current Club Members of the Royal Club of Kings Ridge in Clermont, Florida. You have the right to participate in this lawsuit as a class member and you also have the right to opt out of participating by submitting a written request to be excluded as a participant. This Notice will provide you with the information related to your rights.

In an order dated February 13, 2007, Circuit Court Judge Don F. Briggs granted the Class Plaintiffs' Motion for Class Certification filed by the individual Class Plaintiffs identified above. In that order, the Court summarized the allegations in the lawsuit as follows:

This suit arises from an alleged violation of a right to acquire clause contained in the Community Declaration of Restrictive Covenants (hereinafter "Declaration") for Kings Ridge, an adult community located in Clermont, Florida. Article VI, Section 24 of the Declaration states the "Club Owner grants to the Club Members the rights to acquire the Club Facilities pursuant to the provisions of F.S. 617.31..." On August 31, 2000, the Club Owner, Lennar Land Partners, conveyed the Club Facilities by Special Warranty Deed to a third party, Kings Ridge LLC. The Club members were not given prior notice of the sale nor were they afforded a first right of refusal to purchase the property. The conveyance was recorded on October 9, 2000. Additionally, on October 9, 2000, Lennar recorded an amendment to the Declaration, known as the Sixth Amendment, which modified Section 24 to state the "Club Owner grants to the Club members the right to acquire, *following the Community Completion Date...*"

A complete copy of the ten (10) page Order Granting Plaintiff's Motion for Class Certification (referred to herein as "Order") is available for each class member to review at the offices of the Kings Ridge Community Association, Inc.

In August, 2005, this lawsuit was filed against the Defendants identified above. The lawsuit was filed on behalf of the Kings Ridge Association Inc. and also on behalf of the individual named Class Plaintiffs identified above. This Notice relates to those counts in the Amended Complaint brought by the Class Plaintiffs which have been certified to proceed as a class action. Those counts identified in the Amended Complaint are as follows:

- Count 2 – Cancellation/Rescission of Deeds
- Count 4 – Declaratory Judgment
- Count 6 – Breach of Contract
- Count 8 – Breach of Fiduciary Duty
- Count 10 – Tortious Interference against the Third Party Purchaser and Related Parties
- Count 12 – Tortious Interference against Lennar Homes, Inc. and the Lennar Defendants
- Count 14 – Civil Conspiracy
- Count 16 – Specific Performance

In the Order, Judge Briggs certified Count 2, Count 4 and Count 16 under Rule 1.220(b)(1), finding "that a risk of inconsistent judgment does exist that would not only establish incompatible standards of conduct for Defendants but also could impair the ability of non-party class members to protect their own interests." Judge Briggs also certified the remaining counts alleged by the Class Plaintiffs under Rule 1.220(b)(3), determining that the Class Plaintiffs had presented proof that those claims should proceed on a class action basis.

The Court ordered that this Notice be given pursuant to Florida Rule of Civil Procedure 1.220 and that each class member be informed of their ability to opt out of the class and the consequences of doing so. The Court also ordered that the law firm representing the class, Fassett, Anthony & Taylor, P.A., an Orlando law firm whose offices are at 1325 West Colonial Drive, Orlando, Florida 32804, must obtain written consent by every class member "waiving conflict regarding Sentry Management" as part of this Notice.

The law firm of Fassett, Anthony & Taylor, P.A. has represented Sentry Management, Inc. for many years. Sentry Management, Inc. is the current management company for Kings Ridge Community Association, Inc. and has been the management company for the association since Lennar Homes, Inc. first began selling homes at Kings Ridge. Consequently, in the written fee agreement with Kings Ridge Community Association, Inc., the individual named Class Plaintiffs, and the law firm, the following notice was included:

We have disclosed to you that we have represented Sentry Management, Inc. for many years and Sentry Management, Inc. is a current client of Fassett, Anthony & Taylor, P.A. We have disclosed to you that we would not be able to pursue this case if a target of the litigation included Sentry Management, Inc. or any of its employees or officers. It is our understanding that Sentry Management, Inc. was the management company in August, 2000 when this transfer occurred from Lennar Land Partners to Kings Ridge, LLC. Therefore, we can see the possibility that another law firm might want to target Sentry Management, Inc. as a potential defendant because Sentry Management, Inc. is a very large management company and one or more of their managers might have had some knowledge of the situation or may even have participated in the actual transfer. Because of those possibilities, there exists either a potential or an actual conflict of interest and by signing this fee agreement, each of you agrees to waive any conflict of interest which exists as a result of our continuing representation of Sentry Management, Inc. as a client of this firm.

A copy of the entire fee agreement letter dated August 22, 2005 can also be viewed at the offices of Kings Ridge Community Association, Inc. In order to comply with the Court's Order, the Class Plaintiffs and class counsel request that you sign and complete the separate document enclosed with this Notice titled "Waiver of Conflict of Interest by Club Member." If all class members do not sign the waiver document, the Court will hold another hearing in the matter.

Pursuant to Florida Rule of Civil Procedure 1.220(d)(2), you are hereby notified of the

following:

- (A) Any Club Member who is a member of the class who files a statement with the court by Monday, July 16, 2007, asking to be excluded from this class action lawsuit shall be excluded from the class, and
- (B) Any judgment, whether favorable or not, entered in this action will include all Club Members who do not request exclusion, and
- (C) Any Club Member who does not request exclusion may make a separate appearance on or before Monday, July 16, 2007.

If you are a member of the class, you will be bound by any judgment, whether or not favorable to the class, unless you request to be excluded from the class and provide notice of your request for exclusion as provided below. If you wish to remain a member of the class, you need not do anything but it is requested that you sign and return the enclosed "waiver" document and your rights will be represented by the individual Class Plaintiffs identified above and the law firm of Fassett, Anthony & Taylor, P.A. as class counsel. If you wish to enter a separate appearance, you may enter such an appearance individually or through your own counsel at your own expense.

If you want to be excluded from the class, you must state your request in writing, including your full name and address, and sign your name to the request. Your request for exclusion must be mailed to Fassett, Anthony & Taylor, P.A., Class Counsel, 1325 West Colonial Drive, Orlando, Florida 32804, and must be postmarked no later than Monday, July 16, 2007. If you elect to be excluded from the class, the ultimate decision in this case will not be binding upon you. In other words, for example, you will not share in any recovery that might be paid by the Defendants as a result of a favorable judgment or settlement and you will not be bound by any judgment favorable to the Defendants. If you request exclusion, you will have the right, at your own expense, to pursue any individual claim that you may have against any or all the Defendants.

Complete copies of all the pleadings, orders and other documents filed in this litigation may be examined and copied at any time during regular office hours at the office of the Clerk of the Court, 5th Judicial Circuit Court, Lake County, Florida, in Tavares, Florida. If you wish to examine or copy any of documents in the court file, you will need to refer to Case Number 2005-CA-2718. You can also review any documents filed in this lawsuit at the offices of Kings Ridge Community Association, Inc. during regular office hours.

If you have any questions concerning any matter raised in this Notice, you may address them in writing to Class Counsel as follows: Attorney Robert W. Anthony, Fassett, Anthony & Taylor, P.A., 1325 West Colonial Drive, Orlando, Florida 32804.

**Please do not telephone or contact the Clerk of the Court regarding this Notice.**

Dated \_\_\_\_\_ 2007

Attorneys for Plaintiffs and the Class

FASSETT, ANTHONY & TAYLOR, P.A.  
1325 W. Colonial Drive  
Orlando, FL 32804  
Tel: 407-872-0200  
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Defendants.

**WAIVER OF CONFLICT OF INTEREST**  
**BY CLUB MEMBER**

The undersigned Club Member has been provided with the Notice of Class Action Lawsuit in the above-styled lawsuit. The undersigned is a current Club Member at Kings Ridge and is therefore a member of the class. The undersigned has read the disclosure by the law firm of Fassett, Anthony & Taylor, P.A. related to its representation of Sentry Management, Inc. The undersigned agrees by signing this waiver to waive any conflict of interest which exists or which may exist as a result of the representation of Sentry Management Inc. as a client of Fassett, Anthony & Taylor, P.A.

This waiver is being signed with the intent to comply with the Order Granting Plaintiff's Motion for Class Certification dated February 13, 2007 in which Circuit Judge Don F. Briggs ordered that Fassett, Anthony & Taylor, P.A. "must obtain written consent by every member waiving conflict regarding Sentry Management as part of the notice given."

\_\_\_\_\_  
(Signature of Club Member)

\_\_\_\_\_  
Current Address of Club Member

\_\_\_\_\_  
(Printed name of Club Member)

\_\_\_\_\_  
Date signed

