

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

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

CASE NO.: 2005-CA-2718

Plaintiffs,

vs.

LENNAR LAND PARTNERS; et. al.,

Defendants

**ORDER DENYING DEFENDANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT AS TO STATUTE OF LIMITATIONS**

THIS CAUSE came before the Court on Defendants', LENNAR LAND PARTNERS, LENNAR HOMES INC., LENNAR LAND PARTNERS SUB INC, LNR LAND PARTNERS SUB, INC., E. BING HACKER, KINGS RIDGE L.L.C., MORTGAGE ADVISORS, INC., and J. FRANK SURFACE JR., Motion for Partial Summary Judgment. A lengthy hearing was held in the matter on November 28, 2007. The Court has read Defendants' motion, and Plaintiffs' memorandum in opposition, considered the arguments of counsel, reviewed the file, consulted the relevant authority and has otherwise been fully advised.

First, there is a question of whether or not the issues raised by Defendants are ripe for summary judgment because certain discovery matters are still pending and therefore facts are still being developed. However, even assuming Defendants' Motion is not premature, it must still be denied

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because many factual and legal issues exist and therefore summary judgment is not appropriate. For example, during Plaintiffs' oral argument, significant issues regarding chain of title to the subject property were raised and therefore the Court is uncertain at this point who has legal title to the property in question. Furthermore a central issue in the Defendants' statute of limitations argument regards notice of the transaction and whether or not sufficient notice, if any, was given to Plaintiffs. There are still factual disputes regarding the purported notice given at a Town Hall meeting and the validity of the notice given in the recorded deeds, particularly the warranty deed and the property it purportedly conveyed. Therefore, because genuine issues of fact and law exist in this case it is not appropriate for summary judgment to be granted.

ORDERED AND ADJUDGED that Defendants' Motion for Partial Summary Judgment as to Statute of Limitations is DENIED.

DONE AND ORDERED in chambers at Tavares, Lake County, Florida this 7 day of DEC 2007.



Don F. Briggs, Circuit Judge

Certificate of Service

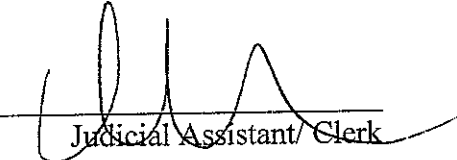
I hereby certify that a true and correct copy of the foregoing Order and any attachments have been sent via U.S. Mail this 7 day of DEC 2007 to the following:

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