

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES**

IN RE: PETITION FOR ARBITRATION

**HUNTINGTON LAKES FIVE
CONDOMINIUM ASSOCIATION, INC.,**

Petitioner,

v.

Case No. 2008-01-1903

**DAVID BUCHANAN MORGAN AND
HUNTINGTON LAKES RESIDENTS'
ASSOCIATION, INC.,**

Respondents.

_____ /

ORDER REQUIRING AMENDED PETITION

On February 26, 2008, Huntington Lakes Five Condominium Association, Inc. filed a petition naming David Buchanan Morgan and Huntington Lakes Residents' Association, Inc. as the respondents. The petition needs to be amended as directed below.

Petitioner alleges that Respondent Huntington Lake Residents' Association, Inc., is master association. Petitioner further alleges that the Master Association has failed to enforce section 5.4 of its declaration against Respondent Morgan.

Pursuant to section 718.1255 and Rule 61B-45.013(2), Fla. Admin. Code, the undersigned only has jurisdiction over disputes between a condominium association and its members, and, in limited situations, tenants. Therefore, the undersigned does not have jurisdiction over this dispute as it is between a sub-association and a master

association.¹ Furthermore, the dispute involving the Master Association involves an allegation that the Master Association has failed to enforce its governing documents. Pursuant to Rule 61B-45.013(6), Fla. Admin. Code, this type of dispute is not eligible for arbitration.

Based upon the foregoing, it is ORDERED:

Within ten days of the date this order, Petitioner shall file an amended petition removing the Master Association as a respondent and any allegations and claims involving the Master Association.

DONE AND ORDERED this 19th day of March, 2008, at Tallahassee, Leon County, Florida.

James W. Earl, Arbitrator
Department of Business and
Professional Regulation
Arbitration Section
1940 North Monroe Street
Tallahassee, Florida 32399-1029

Copy furnished to:

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¹ Contrast with Homeowner Associations where the undersigned has jurisdiction over such disputes since section 720.301(10), Florida Statutes, defines "member" to include an association representing parcel owners.